

# FEDERAL REGISTER

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Washington, Friday, November 7, 1941

## The President

### EXECUTIVE ORDER

#### WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT

##### IDAHO

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as practice bombing ranges:

##### BOISE MERIDIAN

T. 2 S., R. 2 E., secs. 1, 12, 31 and 32;  
T. 3 S., R. 2 E., secs. 5 and 6;  
T. 2 S., R. 3 E., secs. 6 and 7;  
T. 3 S., R. 3 E., secs. 26, 27, 34 and 35;  
aggregating 7463.15 acres.

This order shall be subject to the order of April 8, 1935, of the Secretary of the Interior, establishing Idaho Grazing District No. 1. After the present national emergency has been officially terminated, this order shall be without effect upon notice to the War Department by the Secretary of the Interior that such lands are needed for grazing or other uses by the Department of the Interior.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
November 5, 1941.

[No. 8932]

[F. R. Doc. 41-8318; Filed, November 6, 1941;  
9:49 a. m.]

## Rules, Regulations, Orders

### TITLE 7—AGRICULTURE

#### CHAPTER VII—AGRICULTURAL AD- JUSTMENT ADMINISTRATION

[ACP-1940-16]

#### PART 701—NATIONAL AGRICULTURAL CON- SERVATION PROGRAM

SUBPART B—1940<sup>1</sup>

Pursuant to the authority vested in the Secretary of Agriculture under Sections

<sup>1</sup> 4 F. R. 3867.

7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148) as amended, the 1940 Agricultural Conservation Program, as amended, is hereby further amended as follows:

1. Section 701.101 (k) is hereby amended by adding the following subparagraph thereto:

§ 701.101 *Allotments, yields, productivity indexes, payments and deductions.*

(k) *Miscellaneous.*

(3) *Correction of errors.* Notwithstanding any other provision of this section, where the Agricultural Adjustment Administration finds that an error in a county or State office resulted in an allotment, yield, or productivity index for a farm which is substantially less than that which would otherwise have been determined, the correction of such allotment, yield, or productivity index may be authorized without requiring a re-determination of other farm allotments, yields, or productivity indexes in the county, unless such error has resulted in farm allotments, yields, or productivity indexes for other farms in the county which are substantially higher than they otherwise would have been.

2. Section 701.110 (g) is amended to read as follows:

§ 701.110 *General provisions relating to payments.*

(g) *Deductions in case of erroneous notice of acreage allotment.* Notwithstanding the deduction provisions of § 701.101, in any case where, through error in a county or State office, the producer was officially notified of an acreage allotment larger than the finally approved acreage allotment and the county and State committees find, if the notice was in writing, or the county and State committees, with the approval of the Administrator, find, if the notice was not in writing, that the producer, acting solely upon information contained in the erroneous notice, exceeded such finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment unless he

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# FEDERAL REGISTER

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exceeded the allotment of which he was erroneously notified, and the deduction for excess acreage will be made only with respect to the acreage in excess of the allotment of which he was erroneously notified.

Done at Washington, D. C., this 5th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,  
Assistant Secretary of Agriculture.

[F. R. Doc. 41-8335; Filed, November 6, 1941; 11:36 a. m.]

## PART 729—NATIONAL MARKETING QUOTA FOR PEANUTS

### SUBPART B—1942

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 358. (a) Between July 1 and December 1 of each calendar year the Secretary [of Agriculture] shall proclaim the amount of the national marketing quota for peanuts for the crop produced in the next succeeding calendar year in terms of the total quantity of peanuts which will make available for marketing a supply of peanuts from the crop with respect to which the quota is proclaimed equal to the average quantity of peanuts harvested for nuts during the five years immediately preceding the year in which such quota is proclaimed, adjusted for current trends and prospective demand conditions, and the quota so proclaimed shall be in effect with respect to such crop. The national marketing quota for peanuts for any year shall be converted to a national acreage allotment by dividing such quota by the normal yield per acre of peanuts for the United States determined by the Secretary on the basis of the average yield per acre of peanuts in the five years preceding the year in which the quota is proclaimed, with such adjustments as may be found necessary to correct for trends in yields and for abnormal conditions of production affecting yields in such five years: Provided, that the national marketing quota established for the crop produced in the calendar year 1941 shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than one million six hundred and ten thousand acres, and that the national marketing quota established for any subsequent year shall be quantity of peanuts sufficient to provide a national acreage allotment of not less than 95 per centum of that established for the crop produced in the calendar year 1941.

Whereas said Act contains the following definitions of terms here pertinent:

SEC. 301 (b) (6) (c). "Market", in the case of peanuts, means to dispose of peanuts, including farmers' stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

SEC. 359 (d). The word "peanuts" \* \* \* means peanuts which are picked and threshed by mechanical means, whether such peanuts are picked and threshed before or after marketing by the producer.

Now, therefore, be it known that the Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in him by section 358 of the Agricultural Adjustment Act of 1938, as amended, proclaim that:

§ 729.101 *Proclamation and determination with respect to the national marketing quota, normal yield per acre, and national acreage allotment for peanuts for the crop produced in the calendar year 1942—(a) National marketing quota.* The amount of the national marketing quota for peanuts for the crop

produced in the calendar year 1942 is 1,255,800,000 pounds.

(b) *Normal yield per acre.* The normal yield per acre of peanuts for the United States for the crop produced in the calendar year 1942 is 780 pounds.

(c) *National acreage allotment.* The national acreage allotment for peanuts for the crop produced in the calendar year 1942 is one million six hundred and ten thousand acres. (Sec. 358 (a), 55 Stat. 88; 7 U.S.C. Sup. 1358 (a))

Done at Washington, D. C. this 6th day of November 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,  
Secretary of Agriculture.

[F. R. Doc. 41-8334; Filed, November 6, 1941; 11:36 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### CHAPTER II—AGRICULTURAL MARKETING SERVICE

#### PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

##### NOTICE RELATIVE TO A. J. CAMPBELL SALES YARDS, EVANS, COLORADO

NOVEMBER 5, 1941.

Whereas, the A. J. Campbell Sales Yards was posted on July 30, 1937, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that the A. J. Campbell Sales Yards is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the A. J. Campbell Sales Yards no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,  
Assistant Secretary of Agriculture.

[F. R. Doc. 41-8336; Filed, November 6, 1941; 11:37 a. m.]

#### PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

##### NOTICE RELATIVE TO SPICER & LONG COMMISSION COMPANY YARDS, TUPELO, MISSISSIPPI

NOVEMBER 5, 1941.

Whereas in accordance with the provisions of Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. § 202 (b)), the Secretary of Agriculture posted the stockyard known as the McCollum & Long Stockyards, Tupelo, Mississippi, as being subject to the provisions of said Act; and

Whereas it appears that said stockyard is now known as the Spicer & Long

<sup>1</sup> Modifies list posted stockyards 9 C.F.R. 204.1.



Commission Company Yards, and is being operated by I. W. Spicer, doing business as Spicer & Long Commission Company:

Therefore, it is ordered, That the notice of the posting of said stockyard be, and it hereby is, amended to show that the correct name of the stockyard is Spicer & Long Commission Company Yards, Tupelo, Mississippi.

[SEAL] GROVER B. HILL,  
Assistant Secretary of Agriculture.

[F. R. Doc. 41-8337; Filed, November 6, 1941;  
11:37 a. m.]

# TITLE 10—ARMY: WAR DEPARTMENT CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

## PART 5—SAFEGUARDING MILITARY INFORMATION<sup>1</sup>

### § 5.20 Responsibility of Government contractors.

(c) (1) War Department contractors will submit to the contracting officer at the end of each month, and upon the completion of the work or project, a report of all visitors who have gained information concerning the classified work or projects. These reports will include the following information.

(i) Name, official position, and nationality.

(ii) Address.

(iii) Authority for visit.

(iv) Whether authorization for visit was written or oral.

(v) Whether authorization for visit was received prior to or simultaneous with the visit.

(vi) Number of authorizations received for which the corresponding visits were not made, with detailed information in each case. (R.S. 161; 5 U.S.C. 22) [Par. 60c (1), AR 380-5, June 18, 1941, as amended by Cir. 231, W.D., Nov. 3, 1941]

[SEAL] E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-8325; Filed, November 6, 1941;  
10:44 a. m.]

## CHAPTER VI—ORGANIZED RESERVES

### PART 61—OFFICERS' RESERVE CORPS<sup>2</sup>

§ 61.4a Suspension of appointments in the Officers' Reserve Corps. (a) Appointments in all sections of the Officers' Reserve Corps (except from those categories indicated in paragraph (b) of this section) are suspended with the following exceptions:

- (1) Chaplain's Reserve.
- (2) Medical Department Reserve.

<sup>1</sup> § 5.20 (c) (1) is amended.  
<sup>2</sup> § 61.4a is added.

(i) The Surgeon General and Corps Area and Department Commanders are authorized to recommend for appointment sufficient applicants to fill any vacancies existing or occurring under the approved peacetime procurement objective for Reserve Officers in the Medical Department Reserve.

(ii) All appointments under this authority will be limited to those who meet the requirements of §§ 61.1 to 61.7 and 61.69, and will be made in the lowest grade in the section in which commission is sought, with the following exception:

Former Medical officers who are available for and are desired for immediate active duty may be appointed in the highest grade formerly held, provided they meet the age restrictions for appointment as prescribed by Army regulations.

(iii) Each application must be accompanied by a written statement by the applicant that he does not come within the category of those entitled to resign under provisions of Sec. 3 (c), Public Resolution 96, 76th Congress, or that he will not exercise such rights if ordered to active duty.

(3) Positions which cannot be filled by transfer in the War Department overhead of the several supply arms and services for supply procurement duties and for Army Exchange Service, are subject to the approval of the Secretary of War in each case. The existing prohibition of appointments in the Specialist Reserve remains in effect excepting for appointments for the Army Exchange Service.

(4) Affiliated units.

(b) As indicated in paragraph (a) of this section, the suspension of appointments does not apply to the following:

(1) Recent graduates of:

(i) The United States Military Academy.

(ii) The United States Naval Academy.

(iii) The Citizens' Military Training Camps.

(iv) Reserve Officers' Training Corps.

(v) An Air Corps Training Center, who have successfully passed the educational examination prescribed by the Chief of the Air Corps for appointment as aviation cadet.

(vi) Special courses of training established under the supervision of the Chief of the Air Corps, who have successfully passed the educational examination prescribed by the Chief of the Air Corps for appointment as aviation cadet.

(vii) Schools established for the training of officer candidates.

(2) Candidates for appointment to commissioned grades who come within any one of the following categories: They will be exempt also from the requirements of paragraphs (b) (1), (c), and (f) of this section.

(i) Those who were enrolled in the Army Extension courses prior to Decem-

ber 20, 1939, and whose enrollments have not been cancelled.

(ii) Those whose enrollments in the Army Extension courses, or whose examinations, were authorized prior to March 4, 1941, required for commission in those sections of the Officers' Reserve Corps where appointments have not been suspended and whose enrollments have not since been cancelled.

(iii) Warrant Officers and enlisted men of the Regular Army and enlisted men of the Regular Army Reserve who were enrolled for the Army Extension courses at the time mimeograph letter from this office dated April 3, 1941, file AG 210.1 O.R.C. (3-24-41) R-A, Subject: "Suspension of appointments in the Officers' Reserve Corps for Warrant Officers and enlisted men, Regular Army" was received at Corps Area or Department Headquarters.

(iv) Those qualifying under special authority issued by the War Department.

(c) In those sections of the Officers' Reserve Corps requiring military knowledge qualifications, no appointments will be made without special authority from the War Department unless the applicant is a graduate of one of the schools mentioned in paragraph (b) (1) of this section.

(d) Completion of the Army Extension courses alone will not be construed as meeting the military educational requirements for a commission.

(e) (1) No applications for appointment received from men who are within the age for Selective Service will be approved without first being submitted to the Secretary of War, unless the candidate is a graduate of one of the schools mentioned in paragraph (b) of this section.

(2) Applications for commissions which are required to be submitted to the Secretary of War for his approval will be accompanied by the following statement signed by the Chief of Branch concerned:

This applicant possesses the special qualifications required for the position to which he will be assigned, if commissioned, and after careful inquiry no qualified officer is believed to be available for this assignment.

(f) All vacancies existing or occurring under the Reserve Officers' peacetime procurement objective for mobilization will be filled by procurement from the sources designated in paragraph (b) (1) of this section, or by promotion, or transfer of qualified Reserve Officers from other categories (paragraph (a) of this section).

(g) Applications for appointments to fill positions in affiliated units (paragraph (a) (4) of this section) and supply-procurement (paragraph (a) (3) of this section) will be forwarded to The Adjutant General only when accompanied by a letter of authorization to submit such application. Such letter of authorization will be issued by the proper



authority charged with filling such positions (usually the chief of arm or service, or the corps area commander in certain cases).

(h) Except with the approval of the Secretary of War in each case, appointments will not be made of individuals who, if appointed, would be unavailable, by reason of civilian occupational status, for immediate mobilization assignment in an emergency pursuant to such instructions on that subject as may be issued by the War Department.

(i) Applications not in accordance with the foregoing instructions will not be forwarded to The Adjutant General. (R.S. 161; 5 U.S.C. 22) [Letter A.G.O., dated Oct. 30, 1941, AG 210.1 O.R.C. (10-6-41) RB-A]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-8323; Filed, November 6, 1941;  
10:43 a. m.]

## CHAPTER VII—PERSONNEL

### PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS<sup>1</sup>

#### OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

Sec.	
73.200	Appointments; general provisions.
73.201	Duration of appointments.
73.202	Command and administration.
73.203	Procurement objective.
73.204	Age and citizenship requirements.
73.205	Appointments not made from certain classes.
73.206	Grades in which appointed.
73.207	Qualifications for initial appointments.
73.208	Applications for appointment.
73.209	Appointments, how made.
73.210	Promotion.
73.211	Length of tour of active duty.
73.212	Relief from active duty.
73.213	Pay and allowances; rights and benefits.
73.214	Relative rank.
73.215	Methods of separation.
73.216	Physical standards.
73.217	Physical examinations.
73.218	Waiver of physical defects.

§ 73.200 *Appointments; general provisions.* (a) The regulations contained in §§ 73.200 to 73.218 govern appointments made in the Army of the United States under the provisions of the act of September 22, 1941, Public Law 252, 77th Congress. (Sec. II, Bulletin No. 32, W.D., 1941). Such appointments are made for the purpose of providing, during the present emergency, necessary additional officer personnel that cannot be provided by the Regular Army, the National Guard of the United States, and the Officers' Reserve Corps.

(b) The provisions of these regulations are not applicable to temporary appointments in the Army of the United States made under authority other than that contained in the above mentioned act; and nothing contained here prohibits or affects appointments or promotions in

other components of the Army of the United States under existing laws and regulations.\*† [Par. 1]

\*§§ 73.200 to 73.218, inclusive, issued under authority contained in the act of Sept. 22, 1941, Public Law 252, 77th Congress.

†The regulations in §§ 73.200 to 73.218 are also contained in AR 605-10, October 27, 1941. The particular paragraphs are shown in brackets at the end of sections.

§ 73.201 *Duration of appointments.* All appointments are made for the duration of the present emergency and 6 months thereafter, unless sooner terminated.\*† [Par. 3]

§ 73.202 *Command and administration.* (a) Except as specifically indicated herein, the command and administration of officers appointed under these regulations, including the functions of procurement, assignment, promotion, transfer, and discharge, will be accomplished in accordance with current regulations and instructions of the War Department governing the Officers' Reserve Corps.

(b) Officers of the Army of the United States appointed under these regulations will, while on active duty, be subject to such laws and regulations for the government of the Army as are applicable to personnel whose permanent retention in the military service is not contemplated by law.\*† [Par. 4]

§ 73.203 *Procurement objective.* Initial appointments in the Army of the United States will be made in such numbers and in such grades as may be specifically authorized from time to time by the War Department for the several arms and services and War Department agencies. These allotments will serve as procurement objectives for all appointments and promotions, and will not be exceeded without special authority from the War Department.\*† [Par. 5]

§ 73.204 *Age and citizenship requirements.* (a) An officer of the Army of the United States must at the time of his appointment be a citizen of the United States between the ages of 21 and 60 years of age.

(b) In general, and except as indicated in paragraph (c) of this section, the appointment of officers of the Army of the United States under these regulations will be restricted to those whose age for the grade in which appointed does not exceed the maximum specified in current War Department instructions governing extended active duty of Reserve officers.

(c) The age-in-grade limitations specified in paragraph (b) of this section will not apply to the following:

(1) Graduates of the officer candidate schools selected in accordance with current War Department instructions.

(2) Authorized appointments for supply-procurement duties and similar activities under control of the Under Secretary of War. The age-in-grade requirements for such appointments will be those specified in current War Department instructions governing similar appointments in the Officers' Reserve Corps.

(3) Appointments for assignment to affiliated units or corresponding positions.\*† [Par. 6]

§ 73.205 *Appointments not made from certain classes.* No person will be initially appointed in the Army of the United States from the following classes:

(a) Cadets, United States Military Academy.

(b) Persons qualified and eligible for appointment in the Officers' Reserve Corps as graduate aviation cadets or as graduates of the senior division, Reserve Officers' Training Corps. All such qualified and eligible graduates will continue to be appointed in the Officers' Reserve Corps.

(c) Persons on either the active or reserve list of the Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey.

(d) Civilian officers or employees of the United States or of the District of Columbia, without the consent of the head of the department or service concerned.

(e) Any person subject to induction under the Selective Training and Service Act of 1940, without the express approval of the War Department in each case, unless he is a graduate of a school or resident course of instruction recognized by the War Department as qualifying him for a commission.

(f) Any person whose services will not be immediately available to the War Department upon acceptance of a commission.

(g) See also § 73.207.\*† [Par. 7]

§ 73.206 *Grades in which appointed.* Appointments may be made in any grade for which the appointee is qualified and eligible, subject to the following limitations:

(a) Former commissioned officers of the Regular Army, the National Guard, the National Guard of the United States, or the Officers' Reserve Corps will not be initially appointed in the Army of the United States under these regulations in a higher grade than the highest permanent grade they could have normally attained had they retained continuous commissioned status. In determining the highest permanent grade that a former officer of the National Guard or National Guard of the United States could have attained, the computation will be based upon the years of service required for promotion in the Officers' Reserve Corps (see AR 140-5).<sup>2</sup>

(b) Appointments in the following categories will be limited to the grades indicated for each:

(1) Chaplains and appointments in the Medical Corps, Dental Corps, Veterinary Corps, and Sanitary Corps, first lieutenant to colonel, both inclusive.

(2) Appointments in the Medical Administrative Corps, second lieutenant to captain, both inclusive.

<sup>2</sup> Administrative regulations of the War Department pertaining to the Officers' Reserve Corps.

<sup>1</sup> §§ 73.200 to 73.218 are added.



(3) Appointments for assignment to The Judge Advocate General's Department, captain to colonel, both inclusive.

(4) Appointments for assignment to the Military Intelligence Department, second lieutenant to lieutenant colonel, both inclusive.

(c) Graduates of officer candidate schools will be initially appointed as second lieutenants only.\*† [Par. 8]

§ 73.207 *Qualifications for initial appointments.* (a) Normally, applicants for initial appointment will be required to qualify, as to military and nonmilitary education, under the standards established for appointment to corresponding grade in the Officers' Reserve Corps (§§ 61.36 to 61.84 and AR 140-22 to 140-39,<sup>3</sup> inclusive), except that military and nonmilitary educational requirements may be waived in whole or in part, upon the recommendation of the chief of arm or service concerned.

(b) In the case of persons recommended for appointment from civil life as commissioned officers in the Army of the United States the recommendation must include satisfactory evidence that the recommended individual possesses special qualifications, and that these special qualifications are required in the position to which he is to be assigned if commissioned.\*† [Par. 9]

§ 73.208 *Applications for appointment.* (a) Except for graduates of officer candidate schools, applications for initial appointment in the Army of the United States will be submitted and processed as follows:

(1) *Form of application.* W.D., A.G.O. Form No. 170 (Application for Appointment and Statement of Preferences for Reserve Officers), in duplicate, modified to show that appointment is sought in the Army of the United States.

(2) *Accompanying papers.* Each application for appointment will be accompanied by:

(i) One copy of W.D., A.G.O. Form No. 178 (and 178-1 where applicable) (Classification Questionnaire of Reserve Officers).

(ii) Report of physical examination (W.D., A.G.O. Form No. 63 or 64 as applicable). See §§ 73.216 to 73.218.

(3) *How forwarded.* Applications, with accompanying papers, will be forwarded through military channels to The Adjutant General, Washington, D. C.

(b) *Graduates, officer candidate schools.* Applications for appointment from individuals selected to attend officer candidate schools will be forwarded to and processed by The Adjutant General in accordance with current instructions of the War Department governing officer candidate schools.\*† [Par. 10]

\* Administrative regulations of the War Department relative to the Officers' Reserve Corps.

#### § 73.209 *Appointments, how made.*

(a) All appointments as commissioned officers in the Army of the United States will be issued by The Adjutant General, upon the recommendation of the chief of arm or service concerned, or other authorities authorized by the War Department to submit such recommendations.

(b) The commissions issued incident to appointment will be without reference to an arm or service, except that, in the case of appointment as a chaplain or for service with the Medical Department, the service for which appointed will appear in the commission.\*† [Par. 11]

§ 73.210 *Promotion.* Officers appointed under these regulations may, while on active duty, be promoted to higher grade in the Army of the United States to the same extent and under the same conditions and procedure as are prescribed in current War Department instructions governing the temporary promotion of Reserve officers on active duty.\*† [Par. 12]

§ 73.211 *Length of tour of active duty.* (a) Officers initially appointed in the Army of the United States will be ordered to active duty for specified periods of service conforming to those prescribed for Reserve officers in current War Department instructions.

(b) Tours of active duty may be extended beyond the initially prescribed period, as authorized in current War Department instructions governing extension of tours of active duty of Reserve officers, except that no extension will be made beyond a date 6 months after the termination of the present emergency.\*† [Par. 16]

§ 73.212 *Relief from active duty.* Officers of the Army of the United States will be relieved from active duty when and as prescribed by the War Department in periodic instructions directing such action, but in no case later than 6 months after termination of the present emergency. Orders for relief from active duty will be published by The Adjutant General, or by such subordinate commanders as may be designated by the War Department.\*† [Par. 18]

§ 73.213 *Pay and allowances; rights and benefits.* While on active duty an officer appointed in the Army of the United States under these regulations will receive the same pay and allowances, and will be entitled to the same rights, privileges, and benefits, as members of the Officers' Reserve Corps of the same grade and length of commissioned service.\*† [Par. 19]

§ 73.214 *Relative rank.* When an officer appointed in the Army of the United States under these regulations is ordered to active duty he will take rank as determined by the method prescribed by law and regulations for determining the rank of members of the Officers' Reserve Corps while on active duty.\*† [Par. 20]

§ 73.215 *Methods of separation.* Appointments in the Army of the United States may be terminated by death, resignation, discharge, dismissal, or dropping from the rolls.

(a) *Resignations.* Resignations of officers appointed in the Army of the United States may be submitted and will receive consideration only as provided in current regulations and War Department instructions applicable to members of the Officers' Reserve Corps on active duty.

(b) *Discharge and dismissal.* (i) The discharge or dismissal of officers initially appointed in the Army of the United States will be accomplished in accordance with the laws and regulations governing the discharge or dismissal of personnel whose permanent retention in the active military service is not contemplated by law.

(ii) Except in the case of dismissal pursuant to sentence of a general court martial, an officer on active duty will be returned to his home and relieved from active duty prior to the effective date of termination of commission.\*† [Pars. 23, 25, and 26]

§ 73.216 *Physical standards.* The physical standards for appointment and promotion, for retention of commission, and for entry upon active duty of an officer appointed in the Army of the United States under these regulations are those prescribed for the Officers' Reserve Corps in AR 40-100,<sup>4</sup> 40-105,<sup>4</sup> and, when applicable, 40-110,<sup>5</sup> all as supplemented or modified by current War Department instructions.\*† [Par. 27]

§ 73.217 *Physical examinations.* Physical examination of applicants for appointment, and of officers appointed in the Army of the United States, will be required and conducted as prescribed for members of the Officers' Reserve Corps in Army Regulations and current War Department instructions supplementary thereto. Examinations of the scope prescribed for Reserve officers ordered to extended active duty are mandatory prior to initial appointment, upon being ordered to active duty, and upon completion of active duty. See § 73.208 (a).\*† [Par. 28]

§ 73.218 *Waiver of physical defects.* Deviations from normal physical standards (§ 73.216) that will not interfere with nor prevent the full and satisfactory performance of the duty for which the individual is being appointed, or is being ordered to active duty, and that are not of a nature likely to be aggravated to a disabling degree by active military service, may be waived in the manner and under the conditions authorized in current War Department instructions applicable to members of the Officers' Reserve

<sup>4</sup> Administrative regulations of the War Department relative to standards of physical examination.

<sup>5</sup> Administrative regulations of the War Department relative to standards of physical examination for flying.



Corps ordered to extended active duty.\*†  
[Par. 29]

[SEAL]

E. S. ADAMS,  
Major General,  
The Adjutant General.

[F. R. Doc. 41-8324; Filed, November 6, 1941;  
10:43 a. m.]

## TITLE 14—CIVIL AVIATION

### CHAPTER I—CIVIL AERONAUTICS BOARD

[Special Regulation, Civil Air Regulations]

#### OPERATION OF CIVIL AIRCRAFT AT MARTIN AIRPORT, BALTIMORE, MD.

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of November 1941. It appearing that:

1. Certain aeronautical activities will be conducted from the Martin Airport, Baltimore, Maryland, between the hours of 10:00 a. m. and 1:00 p. m. on Saturday, November 8, 1941;

2. The presence of uncontrolled air traffic in the vicinity of such airport would be hazardous to air commerce and to the activities to be conducted therefrom;

3. Its action in this matter is desirable in the public interest, the interest of national defense and the safety of air commerce;

Now, therefore, The Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 and 601 of said Act, makes and promulgates the following special regulation, to become effective immediately:

No civil aircraft except aircraft in scheduled air transportation shall be operated between the hours of 10:00 a. m. and 1:00 p. m. on Saturday, November 8, 1941, within three miles of the Martin Airport, Baltimore, Maryland, unless special permission shall have been obtained from the Administrator of Civil Aeronautics.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,  
Secretary.

[F. R. Doc. 41-8342; Filed, November 6, 1941;  
12:51 a. m.]

## TITLE 25—INDIANS

### CHAPTER I—OFFICE OF INDIAN AFFAIRS

#### PART 29—LOANS TO INDIANS FROM INDUSTRY AMONG INDIANS AND TRIBAL FUNDS<sup>1</sup>

Sec.

- 29.1 Eligibility.
- 29.2 General loan policies.
- 29.3 Preferred applicants.
- 29.4 Applications for loans.
- 29.5 Approval of application.
- 29.6 Restrictions on approval.

<sup>1</sup> Formerly, "Part 29, Loans to Indians from reimbursable funds".

Sec.

- 29.7 Applications and requests, approval by Secretary or Commissioner.
- 29.8 Commitment order.
- 29.9 Loan agreement contract.
- 29.10 Advance and expenditure of funds.
- 29.11 Title to property.
- 29.12 Property identification.
- 29.13 Security.
- 29.14 Inspection of security.
- 29.15 Filing of liens, mortgages, and other guarantees.
- 29.16 Bills of sale.
- 29.17 Interest.
- 29.18 Modification of borrowers' loan agreements.
- 29.19 Protection of interests of the United States in property of deceased borrowers.
- 29.20 Default.
- 29.21 Disposition of property.
- 29.22 Reports by borrowers.
- 29.23 Repayment to the United States.
- 29.24 Signatures by thumb mark.
- 29.25 Loans from Menominee tribal funds.
- 29.26 Loans from tribal funds of the Shoshone Tribe of the Wind River Reservation.

§ 29.1 *Eligibility.* Under authority contained in the Act of June 28, 1941, (Public Law 136—77th Congress, 1st Session), the Secretary of the Interior is authorized to lend industry among Indians funds (which refers to appropriations made by Congress out of public funds in the United States Treasury) and tribal industrial assistance funds (which refers to appropriations made by Congress out of tribal funds in the United States Treasury) to Indians and groups of Indians; to advance tribal industrial assistance funds to tribes incorporated under the Act of June 18, 1934 (48 Stat. 984, 25 U.S.C. 461-470); to approve the establishment and operation of tribal enterprises with tribal industrial assistance funds; and to lend industry among Indians funds to any tribe. A tribe shall be deemed to include any band, pueblo, or group of Indians residing on one reservation having a form of organization recognized by the Commissioner of Indian Affairs.

(a) To be eligible for a loan from industry among Indians funds an individual must be an Indian whose name appears on the official tribal rolls, and, unless he has sufficient allotted or inherited trust lands to provide security for the loan, he must be an Indian of not less than one-fourth degree of Indian blood. To be eligible for a loan from tribal industrial assistance funds an Indian must be a member of the tribe. A tribe may prescribe additional requirements regarding eligibility for loans from tribal industrial assistance funds.

(b) To be eligible for a loan a cooperative association must have a form of organization, financial structure, and plan of operation and management acceptable to the Commissioner.

(c) Tribal industrial assistance funds and all accruals thereto belonging to a tribe incorporated under the Act of June 18, 1934, may be used only for advances to the tribal corporation for use under Part 21 of this title, except for educational purposes, which shall be used under Part 43 of this title.

(d) To be eligible for a loan from industry among Indians funds, a tribe must have a plan of operation and management acceptable to the Commissioner of Indian Affairs. To be eligible for use of tribal funds in the establishment and operation of tribal enterprises, a tribe must have a plan of operation and management acceptable to the Secretary of the Interior.\*

\* §§ 29.1 to 29.26, inclusive, except as otherwise noted, issued under the authority contained in 52 Stat. 302, 303; 25 U.S.C., Sup., 303, 306, 306A.

§ 29.2 *General loan policies.* Funds may be loaned to individuals for construction of permanent improvements, purchase of seeds, animals, machinery, tools, implements, and other equipment and supplies, development and cultivation of irrigable allotments, support of old, indigent, or disabled Indians: *Provided*, That the amount advanced in any one year for support purposes shall not exceed \$300 and shall be made only to allottees; and for educational purposes in accordance with the provisions of Part 43 of this title. Funds may be loaned to cooperative associations, and industry among Indians funds may be loaned to tribes for the establishment and operation of productive enterprises. The use of tribal industrial assistance funds may be authorized for the establishment and operation of tribal enterprises and may be loaned for burial purposes. The granting or refusal of a loan shall be determined by:

(a) The type of enterprise to be financed and its prospects of success;

(b) The extent to which the enterprise will promote a permanent improvement in the applicant's economic condition;

(c) The character and past performance of the applicant, both generally and in the particular work involved in the enterprises;

(d) Prospects for repayment of the loan;

(e) Amount and kind of security offered;

(f) The need and availability of other funds for support and burial purposes.\*

§ 29.3 *Preferred applicants.* In determining which applicants shall receive loans, preference shall be given in the following order:

(a) Applications or requests of tribes to undertake tribal enterprises;

(b) Applications of cooperative associations;

(c) Applicants presenting evidence of their probable success in enterprises which will be productive and self-liquidating, who do not have other sources of credit available.

In approving other applications, consideration shall be given to the need for support, educational, or burial loans, the applicant's reputation for industry and financial responsibility, and the security offered. Applications of Indians of high degrees of Indian blood shall receive pref-



erence over those of Indians of lesser degrees of blood, other factors being equal.\*

§ 29.4 *Applications for loans.* Applications for loans and requests to use tribal funds in tribal enterprises shall be prepared on forms approved by the Commissioner of Indian Affairs and, unless otherwise authorized by the Commissioner, shall include signed agricultural, commercial, or industrial plans. The superintendent or his authorized representative shall be responsible for explaining to each borrower or tribe, the nature of all instruments signed, responsibility for care of the property, and the necessity for carrying out the provisions of the loan agreements. Applications of Indians married to Indians eligible for loans must be made jointly by both parties. If either spouse is not an Indian, or is an Indian ineligible for a loan, the spouse should not sign the application, but may be required to endorse securing documents.\*

§ 29.5 *Approval of application.* Applications for loans and requests to use tribal funds in tribal enterprises shall be submitted to the superintendent. Unless otherwise authorized in writing by the Commissioner of Indian Affairs, loans may not be made until the credit agent has approved the same, with the exception of fully secured loans which will be repaid within one year, where the amount does not exceed \$500, and loans for burial expenses, on which the credit agent may delegate final approval authority to the superintendent.\*

§ 29.6 *Restrictions on approval.* Loans shall not be granted to any applicant:

(a) Except when authorized in the loan agreement, for the development of commercial enterprises unless such enterprises are to be conducted on a cash basis;

(b) For the purpose of obtaining grazing permits or leasing of land for the grazing of livestock, where grazing facilities are available through a cooperative livestock association, unless the superintendent and credit agent agree that sufficient reasons are presented in the application for not using such facilities;

(c) Who is indebted to the United States for loans, or who has livestock or crops of the same class upon which a lien exists, or the title to which is affected because of existing debts or obligations from any source, unless plans of repayment acceptable to the superintendent and credit agent are presented in the application;

(d) For a period longer than twenty years from tribal funds;

(e) For a period longer than five years from industry among Indians funds except for the development and cultivation of irrigable allotments which may be made for periods not exceeding twenty years;

(f) For the production of crops, unless the loan will be repaid within one year,

except for crops from which no income will be received the first year. Maturity dates shall be fixed at the time when the crops are to be harvested and available for sale;

(g) For less than \$25.\*

§ 29.7 *Applications and requests, approval by Secretary or Commissioner.* Requests of tribes for use of tribal funds in the development and operation of tribal enterprises shall be submitted to the Secretary of the Interior for prior approval.

Applications of the following character shall require prior approval of the Commissioner of Indian Affairs:

(a) Applications of Government employees;

(b) Applications from individuals married to and living with a person already a borrower unless their loans are consolidated;

(c) Applications where the individual has funds on deposit in the Agency office sufficient to finance the approved plans;

(d) Applications from Indian women married to non-Indians or Indians ineligible for loans;

(e) Applications from individuals who will have an aggregate indebtedness to the United States exceeding \$2,000;

(f) Applications for loans from tribal funds for the purchase of livestock, machinery, and equipment, and for the development and cultivation of irrigable allotments, with maturities exceeding six years;

(g) Applications for loans from industry among Indians for the development and cultivation of irrigable allotments with maturities exceeding six years;

(h) Applications of old, indigent, or disabled Indians for support purposes;

(i) Applications of cooperative associations;

(j) Applications for enterprises which are not conducted on tribal or allotted lands within the boundaries of the reservation;

(k) Applications of tribes for loans from industry among Indians funds.\*

§ 29.8 *Commitment order.* Upon approval of the application, a commitment order shall be prepared to cover the amount for which the application has been approved. It shall be executed, signed, and dated by the approving officer, and accepted in writing by the borrower. Conditions of approval shall be inserted in the commitment order.\*

§ 29.9 *Loan agreement contract.* The approved application for loan, supporting papers, commitment order, and note constitute the loan agreement contract.\*

§ 29.10 *Advance and expenditure of funds.* Advances shall be made only in accordance with the terms of approved loan agreements. Advances shall not be made until such agreements are completed and the various copies distributed, including execution of repayment guarantees. Unless otherwise authorized in

such agreements, all advances shall be deposited immediately to the credit of the borrower or of the tribe in an individual Indian money account. Disbursements from such individual Indian money accounts shall be made in accordance with the terms of the agreements. In the case of a borrower with inadequate security, the initial advance shall be limited, and subsequent advances made dependent upon the borrower's accomplishments.

Expenditures of tribal funds for tribal enterprises of unincorporated tribes shall be expended by the disbursing officer from the appropriation account, and all income accruing to the enterprise shall be deposited into the Treasury of the United States to the credit of the tribe in the appropriation account.\*

§ 29.11 *Title to property.* Unless otherwise specified in the borrower's loan agreement, all property purchased under the agreement or from tribal funds used in tribal enterprises, except property purchased for resale in a merchandising business, shall be taken in the name of the United States in trust for the interested party, individual, cooperative, or tribe, and all buildings, fences, and other permanent improvements constructed wholly or in part with loan funds shall not be considered a part of the realty until the loan with which they were purchased is repaid in full.\*

§ 29.12 *Property identification.* All livestock and issue therefrom, and all major articles of equipment purchased under the loan agreement, and trust property given as security for loans, except as otherwise authorized in writing by the Commissioner of Indian Affairs, shall be branded or marked with the letters "ID" to make identification permanently possible, and certificates showing accomplishment filed. In addition, such property and livestock shall be marked or branded with the brands or marks of the borrower.\*

§ 29.13 *Security.* All possible security up to an adequate amount shall be obtained on all loans. Unless other arrangements are authorized by the Commissioner of Indian Affairs, appropriate liens, mortgages, or other securing instruments in favor of the United States must be taken on property purchased under the loan agreement which is not purchased in the name of the United States. The increase or issue of any livestock purchased under the loan agreement in the name of the United States, or given as security therefor, shall be security for the repayment of the loan. The borrower shall agree that if he is in default, any trust funds to or accruing to his credit, or any of his personal trust property, may be applied by the superintendent on his indebtedness to the United States. Generally, greater security shall be required on loans for nonagricultural enterprises, and full



security on loans for nonagricultural enterprises which are not located in or adjacent to Indian communities.\*

§ 29.14 *Inspection of security.* All property offered to the United States as security for loans must be inspected before action is taken upon the loan by the approving officer. To reduce costs, agency records, if adequate, may be used in lieu of a physical inspection.\*

§ 29.15 *Filing of liens, mortgages, and other guarantees.* All crop liens or mortgages, and all repayment guarantees covering nontrust property, shall be filed, registered, or recorded, in the proper county office in accordance with the respective state laws. Repayment guarantees covering trust property, other than crops, may be filed in the agency office. Expenses of filing, registering, or recording, shall be borne by the borrower. Borrowed funds may not be used for such purposes except when included in loans to the borrower.\*

§ 29.16 *Bills of sale.* The superintendent must obtain bills of sale on a form approved by the Commissioner of Indian Affairs for all livestock purchased under the loan agreement, title to which is taken in the name of the United States. This form may also be used for machinery, equipment, and other purchases, title to which is taken in the name of the United States, or receipted invoices on the vendor's stationery will be accepted in lieu thereof. Receipted invoices or appropriate bills of sale must be obtained on purchases of all items costing twenty-five dollars or more.\*

§ 29.17 *Interest.* Borrowers shall be charged interest at the rate of three percent per annum from the date the money is advanced until repaid, except on loans for support of old, disabled, or indigent Indians, and for burial expenses. Interest shall be charged on loans from tribal industrial assistance funds for support and burial expenses if such action is requested by the authorized governing body of the tribe involved. No interest shall be charged a tribe for the use of tribal industrial assistance funds for tribal enterprises.\*

§ 29.18 *Modification of borrowers' loan agreements.* Modifications of loan agreements shall be handled through the same channels as the original agreements, except that the credit agent may approve modifications where the amount does not exceed \$1,000, on applications originally approved by the Commissioner of Indian Affairs. Loan agreements shall not be permitted to remain in default; either payment must be made, a formal extension granted in the form of a modification, or action taken under the provisions of § 29.20.\*

§ 29.19 *Protection of interests of the United States in property of deceased borrowers.* The superintendent shall take all steps which may be necessary to safeguard and protect the property of a deceased borrower in which the United States has an interest, until the obligation is liquidated or assumed by heirs of the deceased borrower or by other parties. The United States may collect from the ultimate owners of such property, or deduct from the proceeds from the sale thereof, reasonable expenses for its care. The superintendent shall also protect the interests of the United States in assignments of income from real property or other sources.\*

§ 29.20 *Default.* Failure on the part of any tribe to use tribal funds advanced for tribal enterprises in accordance with its agreement, shall be grounds for any one or all of the following steps to be taken at the option of the Secretary of the Interior:

- (a) Stop any further advance of funds contemplated by the agreement;
- (b) Prevent any further disbursement of funds advanced but not expended;
- (c) Take possession of and sell any property of the tribal enterprise;
- (d) Arrange for operation of the enterprise until such time as the Secretary is satisfied that the tribe can operate the same satisfactorily

Failure on the part of any borrower to make repayments when due, to use funds in keeping with the loan agreement as originally approved or amended, to make every honest effort possible to continue operations successfully, or any improper use of the funds loaned, shall be grounds for any one or all of the following steps to be taken at the option of the superintendent after due notice to the borrower, with or without recourse to legal proceedings:

- (e) Declare the entire amount advanced immediately due and payable;
- (f) Stop any further advance of funds contemplated by the loan agreement;
- (g) Prevent any further disbursement of funds borrowed but not expended;
- (h) Take possession of and sell any and all collateral or security;
- (i) Have applied on the borrower's indebtedness, any of his personal trust property or any trust funds accruing to the credit of the borrower.\*

§ 29.21 *Disposition of property.* The sale or other disposal of any property purchased under the loan agreement, which has not been paid for in full, or property given as security for the loan shall be handled in accordance with instructions of the Commissioner of Indian Affairs. Except as authorized under such

instructions, neither the United States' right to or interest in, nor the legal title to property purchased under the loan agreement, nor the interests of the United States in property given as security, shall be transferred to a borrower before the loan under which the property has been purchased has been repaid in full. When a borrower's loan agreement has been repaid in full, the superintendent may release the interests of the United States in property purchased under the loan agreement, as well as its lien on the property given as security and return the original note marked "paid" to the borrower. The superintendent shall also release repayment guarantees of record, on forms approved by the Commissioner of Indian Affairs, when disposal of property given as security is authorized.\*

§ 29.22 *Reports by borrowers.* Borrowers shall be required to furnish signed statements and reports, keep records, files, and accounts, and follow correspondence procedures as directed by the superintendent and Commissioner of Indian Affairs.\*

§ 29.23 *Repayment to the United States.* All repayments shall be made to the bonded Government disbursing officer or his authorized representative. The disbursing officer shall issue an official receipt to the remitter.\*

§ 29.24 *Signatures by thumb mark.* Signatures made by thumb mark must be witnessed by at least two persons, one of whom shall write in the name of the person who cannot write, near the mark, at the borrower's request. Post office addresses of both witnesses must be shown, and they must actually see the mark made. Both witnesses must be disinterested parties to the loan agreement.\*

§ 29.25 *Loans from Menominee Tribal Funds.* In the case of loans made to Menominee Indians, the period in § 29.7 (f) shall be eight years, and the rate of interest in § 29.17 shall be two per cent per annum. (Public Law 136—77th Congress 1st session)

§ 29.26 *Loans from tribal funds of the Shoshone Tribe of Wind River Reservation.* In the case of loans made to the Shoshone Indians, in addition to the purposes in § 29.2, funds may be loaned for the purchase of land: *Provided*, That the amount of funds which may be loaned for this purpose shall be determined by the Commissioner of Indian Affairs. (Sec. 3 (b), 53 Stat. 1129; 25 U.S.C., Sup., 573)

OSCAR L. CHAPMAN,  
Assistant Secretary.

Date: October 24, 1941.

[F. R. Doc. 41-8326; Filed, November 6, 1941; 10:44 a. m.]



# TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1033]

## PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND  
CONDITIONALLY PROVIDING FOR FINAL RE-  
LIEF IN THE MATTER OF THE PETITION  
OF DISTRICT BOARD NO. 3 FOR THE ESTAB-  
LISHMENT OF PRICE CLASSIFICATIONS AND  
MINIMUM PRICES FOR THE COALS OF CER-  
TAIN MINES IN DISTRICT NO. 3

An original petition, pursuant to sec-  
tion 4 II (d) of the Bituminous Coal Act  
of 1937, having been duly filed with this

Division by the above-named party, re-  
questing the establishment, both tempo-  
rary and permanent, of price classifica-  
tions and minimum prices for the coals  
of certain mines in District No. 3; and  
The Director finding that a reasonable  
showing of necessity has been made for  
the granting of temporary relief in the  
manner hereinafter set forth; and  
No petitions of intervention having  
been filed with the Division in the above-  
entitled matter; and  
The Director deeming that this action  
is necessary in order to effectuate the  
purposes of the Act;

*Now, therefore, it is ordered*, That,  
pending final disposition of the above-  
entitled matter, temporary relief be, and  
is hereby granted, as follows:

the same hereby is, granted as follows:  
Commencing forthwith, § 323.6 (*Alphab-  
etical list of code members*) is amended  
by adding thereto Supplement R-I,  
§ 323.8 (*Special prices—(b) Railroad fuel  
prices for all movements except via  
lakes*) is amended by adding thereto  
Supplement R-II, § 323.8 (*Special  
prices—(c) Railroad fuel prices for  
movement via all lakes—all ports*) is  
amended by adding thereto Supplement  
R-III, and § 323.23 (*General prices*) is  
amended by adding thereto Supplement  
T, which supplements are hereinafter  
set forth and hereby made a part hereof.

*It is further ordered*, That pleadings  
in opposition to the original petition in  
the above-entitled matter and applica-

tions to stay, terminate or modify the  
temporary relief herein granted may be  
filed with the Division within forty-five  
(45) days from the date of this Order,  
pursuant to the Rules and Regulations  
Governing Practice and Procedure be-  
fore the Bituminous Coal Division in  
Proceedings Instituted Pursuant to sec-  
tion 4 II (d) of the Bituminous Coal Act  
of 1937.

*It is further ordered*, That the relief  
herein granted shall become final sixty  
(60) days from the date of this Order,  
unless the Director shall otherwise  
order.

Dated: October 20, 1941.

H. A. GRAY,  
Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

### FOR ALL SHIPMENTS EXCEPT TRUCK

#### § 323.6 *Alphabetical list of code members—Supplement R-I*

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
373	Case, Silas & Sons Coal Company (Silas Case)	Case Coal Co.	Coalburg	Camden-On-Gauley, W. Va.	B&O	10	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
384	Clark Coal Co. (John A. Clark, Jr.)	Junior #3	Pittsburgh	Everson, W. Va.	B&O	61	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
355	Clark Coal Co. (John A. Clark, Jr.)	Junior #6	Pittsburgh	Everson, W. Va.	B&O	61	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
531	Demary, Carl (Demary Coal Co.)	Demary #1	Pittsburgh	Bingamon Junction, W. Va.	WM	65	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
56	Dudley, G. L., Jr.	White Rose (strip)	Pittsburgh	Blackburn Sliding, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
387	Dudley, G. L., Jr.	Big Elm (Strip)	Pittsburgh	Bingamon Junction, W. Va.	WM	65	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
347	Kraus Bros. Coal Co. (John Kraus)	Kraus	Pittsburgh	Weston, W. Va.	B&O	31	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
350	Malcolm, O. M.	Arnold #2	Redstone	Buckhannon, W. Va.	B&O	31	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
957	Marks & Marks (Jesse Marks)	Arthur Marks	Pittsburgh	Gilmer, W. Va.	B&O	32	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
349	Marple & Felling Coal Co. (Verlin Marple)	Hodgeville	Redstone	Buckhannon, W. Va.	B&O	31	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
369	Merion Coal Company	Sigley	M. V. Freeport	Tunnelton, W. Va.	B&O	70	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
360	Merion Coal Company	Marshall #1	Pittsburgh	Byron, W. Va.	B&O	60	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
361	Merion Coal Company	Marshall #2	Pittsburgh	Byron, W. Va.	B&O	60	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
362	Merion Coal Company	De Acre #2	M. V. Freeport	Irona, W. Va.	WM	71	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
363	Merion Coal Company	De Acre #3	M. V. Freeport	Irona, W. Va.	WM	71	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
364	Merion Coal Company	Pyramid #1	L. V. Kitt	Hardman, W. Va.	B&O	70	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
365	Merion Coal Company	Pyramid #2	L. V. Kitt	Hardman, W. Va.	B&O	70	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G	G
825	Metzgar, H. D.	Long	Clanton	Fruchtman, W. Va.	B&O	30	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
1,102	Moore, C. L. & Son Coal Co.	Moore #1	Clanton	Sutton, W. Va.	B&O	35	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
337	Moore, C. L. & Son Coal Co.	Moore #2	Clanton	Sutton, W. Va.	B&O	35	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
266	Robinson Run Coal Company (F. D. Davis)	Robinson Run #1	Sewickley	Maldsville, W. Va.	Monon	52	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
367	Robinson Run Coal Company (F. D. Davis)	Robinson Run #5	Sewickley	Maldsville, W. Va.	Monon	52	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
368	Robinson Run Coal Company (F. D. Davis)	Robinson Run #6	Sewickley	Maldsville, W. Va.	Monon	52	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J	J
369	Tanner, H. H. (Tanner Coal Co.)	Tanner #2	Pittsburgh	Raybert Mine Sliding, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F



## § 323.23 General prices—Supplement T—Continued

Code member index	Mine	Seam	County	Size groups						
				Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size, but over	Lump 1½" and under, egg 1½" and under, bottom size	All nut and pea 2" and under, egg 1½" and under, bottom size	Run of mine resultant	¾" slack	1½" and 2" slack
Robinson Run Coal Company (F. D. Davis),	368	Robinson Run #6	Sewickley	208	203	203	203	178	178	163
Short, Herman	374	Short's Mine	Pittsburgh	223	218	218	218	193	193	178
Snyder & Teller (A. W. Snyder)	370	Snyder & Teller	Braxton	223	218	218	218	193	193	178
Tanner, H. H. (Tanner Coal Co.)	369	Tanner #2	Pittsburgh	223	218	218	218	193	193	178
Wyckoff, Howard	372	Wyckoff	Pittsburgh	223	218	218	218	193	193	178

[F. R. Doc. 41-8304. Filed, November 5, 1941; 10:16 a. m.]

[Docket No. A-1090]

PART 323—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR CHANGES IN LOADING POINTS FOR MINES OF CERTAIN CODE MEMBER PRODUCERS IN DISTRICT NO. 3

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting permission to change the loading points of the following mines; and it appearing that the operators of such mines have found it impossible to make further shipments from the loading points designated at the time of the classification of the coals of such mines and that it is necessary that changes be made in such loading points in order to maintain fair competitive opportunities; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief and conditionally providing for final relief in the manner hereinafter set forth; and No petitions of intervention having

been filed with the Division in the above-entitled matter; and  
The Director deeming that his action is necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (Alpha-betical list of code members) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order. Dated: October 13, 1941.

[SEAL]  
H. A. GRAY,  
Director.

§ 323.8 Special prices—(b) Railroad fuel prices for all movements except via all lakes—Supplement R-II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule.

Group No. 1: 337, 347, 354, 355, 356, 357, 360, 361, 369, 531, 957, 1102.  
Group No. 2: 349, 350. Group No. 3: 359, 362, 363, 825. Group No. 4: 366, 367, 368. Group No. 5: 373. Group No. 6: 364, 365.

## FOR TRUCK SHIPMENTS

## § 323.23 General prices—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Seam	County	Size groups						
				Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size, but over	Lump 1½" and under, egg 1½" and under, bottom size	All nut and pea 2" and under, egg 1½" and under, bottom size	Run of mine resultant	¾" slack	1½" and 2" slack
Boyles, Ray	333	Taber	Barbour	223	218	218	218	193	193	178
Burke, Mrs. Mary	332	Burke	Harrison	223	218	218	218	193	193	178
Burke Coal Company	373	Case Coal Co.	Nicholas	253	248	248	248	223	223	213
Case, Silas & Sons Coal Company (Silas Case)	354	Junior No. 3	Marion	223	218	218	218	193	193	178
Clark Coal Co. (John A. Clark, Jr.)	355	Junior No. 6	Marion	223	218	218	218	193	193	178
Dudley, G. L., Jr.	356	White Rose (Strip)	Harrison	223	218	218	218	193	193	178
Dudley, G. L., Jr.	357	Big Elm (Strip)	Harrison	223	218	218	218	193	193	178
Frame, H. M.	358	Bonnett No. 2	Gilmer	223	218	218	218	193	193	178
Huggins & Sons, John	354	Huggins & Sons Co.	Monongalia	223	218	218	218	193	193	178
Keller Coal Co. (Ira J. Keller)	385	Keller Coal Co.	Preston	235	235	235	235	210	210	200
Kraus Bros. Coal Co. (John Kraus)	347	Kraus	Lewis	223	218	218	218	193	193	178
Malcolm, O. N.	350	Arnold #2	Barbour	223	218	218	218	193	193	178
Marple & Poling Coal Co. (Verlin Marple)	349	Hodgeville	Upshur	223	218	218	218	193	193	178
Merion Coal Company	359	Sigley	Preston	225	225	225	225	200	200	190
Merion Coal Company	360	Marshall #1	Harrison	223	218	218	218	193	193	178
Merion Coal Company	361	Marshall #2	Harrison	223	218	218	218	193	193	178
Merion Coal Company	362	De Arce #2	Preston	225	225	225	225	200	200	190
Merion Coal Company	363	De Arce #3	Preston	225	225	225	225	200	200	190
Merion Coal Company	364	Pyramid #1	Preston	235	235	235	235	210	210	200
Merion Coal Company	365	Pyramid #2	Preston	235	235	235	235	210	210	200
Reasrod, Herbert	352	Boat Run Coal Co.	Barbour	223	218	218	218	193	193	178
Robinson Run Coal Company (F. D. Davis)	366	#4	Sewickley	208	203	203	203	178	178	163
Robinson Run Coal Company (F. D. Davis)	367	Robinson Run #5	Sewickley	208	203	203	203	178	178	163

§ 323.8 Special prices—(c) Railroad fuel prices for movement via all lakes—Supplement R-III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule.

Group No. 1: 337, 347, 354, 355, 356, 357, 360, 361, 369, 531, 957, 1102.  
Group No. 2: 349, 350. Group No. 3: 359, 362, 363, 825. Group No. 4: 366 (a), 367 (a), 368 (a). Group No. 5: 373. Group No. 6: 364, 365.



## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

## § 323.6 Alphabetical list of code members—Supplement R

Mine Index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.
188	Albright Coal Co. c/o George S. Connell.	Vivian.....	M. V. Freeport.	Snider, W. Va.....	WVN..	71
639	Arnold, E. C.....	Arnold.....	Pittsburgh.....	Morgantown, W. Va.....	MON..	52
213	Arnold, E. C.....	Hunt Bros.....	M. V. Freeport.	Kingwood, W. Va.....	WVN..	71
206	Arnold, E. C.....	Riley #2.....	M. V. Freeport.	Kingwood, W. Va.....	WVN..	71
285	B & H Coal Co. (E. H. Burke)	Clelland.....	Pittsburgh.....	Fairmont, W. Va.....	B&O..	50
198	Blaser Fuel Co.....	Blaser.....	M. V. Freeport.	Tunnelton, W. Va.....	WVN..	71
190	Brock, Mitchell and Reed (James M. Reed)	Liston.....	M. V. Freeport.	Caddell, W. Va.....	B&O..	70
558	Cook & Zinn Coal Co. (Donald Zinn)	Cook.....	Bakerstown.....	Irona, W. Va.....	WVN..	71
937	Cordray, T. L.....	Delphi.....	Pittsburgh.....	Chiefton, W. Va.....	WM....	65
192	E-Z Fuel Co. (George M. Flynn)	E-Z #2.....	M. V. Freeport.	Irona, W. Va.....	WVN..	71
928	George, Drexel R.....	Davis Fork.....	Pittsburgh.....	Bingamon Jet., W. Va.....	WM....	65
687	Henderson, Morgan & Haught (Rex Henderson)	Morgan & Henderson.....	Pittsburgh.....	Chiefton, W. Va.....	WM....	65
287	Henderson, Rex.....	Henderson.....	Pittsburgh.....	Chiefton, W. Va.....	WM....	65
164	Winchester Coal Co. (E. E. Kennedy)	Winchester.....	Pittsburgh.....	Chiefton, W. Va.....	WM....	65
186	West Fork Coal & Coke Co., The (M. D. Perry)	Vincent #2.....	Pittsburgh.....	Everson, W. Va.....	B&O..	61

The above prices are applicable only via the respective shipping point and railroad for the respective mine.

[F. R. Doc. 41-8303; Filed, November 5, 1941; 10:15 a. m.]

[Docket No. A-1029]

## PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4 FOR ALL SHIPMENTS EXCEPT TRUCK AND FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifica-

tions and minimum prices, for the coals produced at the mines of certain code members in District No. 4 for all shipments except truck and for truck shipments; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (Alphabetical list of code

members) is amended by adding thereto Supplement R-I, § 324.8 (Numerical list of mines) is amended by adding thereto Supplement R-II, § 324.2 (Seasonal discounts) is amended by adding thereto Supplement R-III, § 324.9 (Recapitulation of price classifications) is amended by adding thereto Supplement R-IV, § 324.11 (Special prices —(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel) is amended by adding thereto Supplement R-V, and § 324.24 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are herein-after set forth and hereby made a part hereof.

Price classifications and minimum prices have not been established herein for certain coals of Alumbaugh No. 6 Mine, Mine Index No. 5, of W. Alumbaugh, for the reason that it appears from the official records of the Division that this mine has been abandoned.

Price classifications and minimum prices have not been established herein for the coals of Myers Valley Mine, Mine Index No. 3000, of Louis Thiebaud, for truck shipments, for the reason that temporary and conditionally final effective minimum prices were established for the coals of Mine Index No. 3000 in Docket No. A-897, under the name of Pleasant Valley Mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 10, 1941.

[SEAL]

H. A. GRAY,  
Director.



## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 324.7 Alphabetical list of code members—Supplement R-I

[Alphabetical list of code members having railway loading facilities showing price classification by size group Nos.]

Mine Index No.	Code member	Sub-dist. No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classification by size group Nos.											
								1	2	3	4	5	6	7	8	9	10	11	12
1281	Bailey, B. H.	8	8	Deep	Hobson	NYC	25	K	O	O	O	O	O	O	O	O	O	O	O
1285	Garrett, Oscar	1	8	Deep	Bellare	B&O	11	O	O	O	O	O	O	O	O	O	O	O	O
241	Griffiths, Wm. T.	1	8	Deep	Lafferty	B&O	12	O	O	O	O	O	O	O	O	O	O	O	O
270	Mathews, Wayne (Mathews Mining Company)	8	8A	Deep	Pomeroy	C&O	29	K	O	O	O	O	O	O	O	O	O	O	O
285	McKitterick, Jas. J. (McKitterick Coal Co.)	7	5	Strip	Ironton	NYC	42	K	O	O	O	O	O	O	O	O	O	O	O
1926	Moore, S. C. & Amos Wells	3	6	Deep	Bergholz	NYC	52	O	O	O	O	O	O	O	O	O	O	O	O
287	Paul, Frank J. & Sons Coal Co., The	6	6	Deep	Zanesville	W&LE	38	O	O	O	O	O	O	O	O	O	O	O	O
1349	Pleasant Valley Mining Co., The	4	6	Deep	Mineral City	B&O	51	O	O	O	O	O	O	O	O	O	O	O	O
271	Snyder Coal Co. (Harry Snyder)	8	8	Deep	Pomeroy	C&O	23	K	O	O	O	O	O	O	O	O	O	O	O
286	Steele & Reed (Geo. A. Steele) #3	7	5	Deep	Wellston	NYC	41	K	O	O	O	O	O	O	O	O	O	O	O
2569	Tunnel Mill Mining Co.	3	5	Deep	Bergholz	NYC	102	O	O	O	O	O	O	O	O	O	O	O	O
					Hammondsville	PRR													

## § 324.2 Seasonal discounts—Supplement R-III

[Seasonal discounts. On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of			
					Apr.	May	June	July
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 75, 81, 89, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 134, 145, 147, 152, 157, 164, 167	Add Mine Index Nos. 241-325	30	20	10	---
Pomeroy	23, 25	Add 29	14, 22, 28, 70, 82, 100, 101, 105, 112, 113	Add Mine Index Nos. 270, 271, 281	50	40	30	20
Crooksville	31, 32, 33, 34, 36	Add 38	4, 28, 66, 85, 91, 104, 105, 125, 138, 143, 146, 155, 156, 160, 162, 165	Add Mine Index Nos. 287	30	20	10	---
Jackson	41	Add 42	25	Add Mine Index No. 285	50	40	30	20
Middle	41, 42, 43		2, 131, 134	Add Mine Index No. 285	50	40	30	20
	53, 54, 57	Add 51	49, 50, 67, 94, 132	Add Mine Index No. 1349	30	20	10	---
	52	Add 102	6, 158, 172	Add Mine Index Nos. 1936-2569	30	20	10	---

Seasonal discounts as shown in §324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

## § 324.8 Numerical list of mines—Supplement R-II

Mine Index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Subdist. No.
241	Griffiths Coal Mine	Griffiths, Wm. T.	Ohio No. 8	12	B&O	1
270	Mathews	Mathews, Wayne (Mathews Mining Company)	Pomeroy	29	C&O, NYC	8
271	Snyder	Snyder Coal Co. (Harry Snyder)	Pomeroy	23	C&O	7
285	Richard	McKitterick, Jas. J. (McKitterick Coal Co.)	Jackson	42	DT&I	8
286	Steele & Reed #3	Steele & Reed (Geo. A. Steele)	Crooksville	41	B&O	7
287	Paul	Paul, Frank J. & Sons Coal Co., The	Ohio No. 8	38	B&O, W&LE	6
525	Garrett Coal Co.	Garrett, Oscar	Pomeroy	11	B&O	1
1281	B. H. Bailey	Bailey, B. H.	Middle	25	NYC	8
1349	Magnolia	Pleasant Valley Mining Co., The	Middle	51	B&O	4
1936	S. C. Moore C. Co.	Moore, S. C. & Amos Wells	Middle	52	NYC	3
2569	Tunnel Mill	Tunnel Mill Mining Co.	Middle	102	NYC, PRR	3



## § 324.9 Recapitulation of price classifications—Supplement R-IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b), § 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8.....	9, 10, 11, 12, 14, 15, 17, 18, 19.	.....	10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 90, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add mine index Nos. 241, 525.
Pomeroy.....	23, 25.....	Add 20.....	14, 22, 38, 70, 82, 100, 101, 105, 112, 113, 118.	Add mine index Nos. 270, 271, 1281.
Crooksville.....	31, 32, 33, 34, 36.	Add 38.....	4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 158, 166, 169, 162, 163.	Add mine index No. 287.
Jackson.....	41.....	Add 42.....	25, 131, 134.	Add mine index No. 285.
Middle.....	41, 42, 43, 53, 54, 57, 59.	Add 51.....	49, 58, 67, 94, 102.	Add mine index No. 290.
		Add 102.....	6, 158, 172.	Add mine index Nos. 1936, 2599.

Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

## § 324.11 Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel—Supplement R-V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index Nos. <sup>1</sup>	Additional mine index Nos.
Baltimore & Ohio Railroad Co.....	10, 21, 30, 33, 39, 40, 58, 71, 72, 78, 81, 83, 87, 95, 96, 103, 104, 106, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162, 14, 38, 41, 47, 61, 70, 72, 78, 79, 82, 89, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add Mine index Nos. 241, 286, 287, 525, 1349.
Chesapeake & Ohio Railway Co.....	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 150, 158, 172.	Add mine index Nos. 270, 271.
Detroit, Toledo & Ironton Railroad Co. New York Central System.....	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 68, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169.	Add mine index No. 285.
Pennsylvania Railroad Co.....	9, 34, 23, 32, 42, 43, 52, 81, 90, 102, 122, 127, 135, 145, 154, 157, 164.	Add mine index Nos. 270, 285.
Wheeling & Lake Erie Railway Co.....	.....	Add mine index No. 2669.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit & Toledo Shore Line Railroad Co. Erie Railroad. Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.) Pere Marquette Railway Co. For all railroads not shown above.....	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 138, 159, 161, 166.	Add mine index No. 285.

Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.  
Prices as shown for Mine Index No. 133 in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to additional Mine Index No. 285 hereinabove noted.

## FOR TRUCK SHIPMENTS

## § 324.24 General prices in cents per net ton for shipment into all market areas—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine	Mine Index No.	Base sizes
			6' lump 3', 4', 6' lump 2' lump 2' x 4' egg 1 1/4' x 4' egg 1 1/4' lump, 1 1/4' x 4' egg Mine run and pea 2' x 0 slack 3/4' x 0 slack
SUB-DISTRICT No. 2, CAMBRIDGE			
NOBLE COUNTY			
Stephens, W. C. (W. C. Stephens Coal Co.).	Stephens.....	264	8 270 260 245 220 220 220 200 190
Williams, John R.	Timmons.....	263	9 270 260 245 220 220 220 200 190
SUB-DISTRICT No. 4, MIDDLE			
MAHONING COUNTY			
Beaver Creek Coal Co. (L. W. Russell).	Gray.....	269	4 300 290 275 250 245 235 205 195
Waltner, Henry.....	Henry Waltner.....	284	6 275 265 250 235 235 220 190 180
TUSCARAWAS COUNTY			
Crystal Coal Co. (Henry L. Thiebend, Jr.).	Crystal.....	249	6 275 265 250 235 235 220 190 180
SUB-DISTRICT No. 6, CROOKSVILLE			
MUSKINGUM COUNTY			
Collins, John & Owen Nesselrode (John Collins).	Collins & Nesselrode.....	285	6 280 270 260 235 230 195 165 165
Paul, Frank J. & Sons Coal Co., The.	Paul.....	287	6 280 270 260 235 230 195 165 165
SUB-DISTRICT No. 7, JACKSON			
LAWRENCE COUNTY			
McKitterick, Jas. J. (McKitterick Coal Co.).	Richard.....	285	5 295 285 275 250 245 195 165 155
VINTON COUNTY			
Steele & Reed (Geo. A. Steele).....	Steele & Reed # 3.....	286	5 295 285 275 250 245 195 175 165
SUB-DISTRICT No. 8, POMEROY			
GALLIA COUNTY			
Lester, T. B. Matthews, Wayne (Matthews Mining Company).	W. C. Matthews.....	262	8 295 285 275 250 245 195 140 140
MEigs COUNTY			
Snyder Coal Co. (Harry Snyder).....	Snyder.....	271	8 295 285 275 250 245 195 140 140

[F. R. Doc. 41-8302; Filed, November 5, 1941; 10:15 a. m.]



[Docket No. A-1087]

PART 327—MINIMUM PRICE SCHEDULE,  
DISTRICT No. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both tem-

porary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and

the same hereby is, granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be

filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order. Dated: October 16, 1941.

[SEAL] H. A. GRAY,  
Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

§ 327.11 *Low volatile coals: Alphabetical list of code members—Supplement R*

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.									
								1	2	3	4	5	6	7	8	9	10
599	Hollywood Coal Co.	Hollywood	2	Sewell	Mahescott, W. Va.	C&O	10	A	A	A	A	A	A	A	B	B	(f)
234	Lane & Lilly (Orlando Lane)	Lane & Lilly	2	Beckley	Beaver, W. Va.	C&O	10	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)
249	Lilly, C. L.	Freeland	2	Beckley	Beaver, W. Va.	C&O	10	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)
250	New River Company, The	Graham	2	Sewell	Tamroff, W. Va.	C&O	11	A	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)
251	Rich Knob Coal Company, c/o W. I. Beavers.	Rich Knob	5	Beckley	Laurel Siding, W. Va.	C&O-Vgn.	18	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)	(f)

†Indicates no classifications effective for these size groups.

## FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area—Supplement T*

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump ¾" or larger, all size or smaller 1 ¼" top										¾" screenings		
						1	2	3	4	5	6	7	8	9	10	11	12	13
Lilly, C. L.	249	Freeland	2	Raleigh	Beckley	330	280	215	200	195	190	185	180	175	170	165	160	155
New River Company, The	250	Graham	2	Raleigh	Beckley	330	280	215	200	195	190	185	180	175	170	165	160	155
Rich Knob Coal Company, c/o W. I. Beavers.	251	Rich Knob	5	Raleigh	Beckley	330	280	215	200	195	190	185	180	175	170	165	160	155

[F. R. Doc. 41-8305; Filed, November 5, 1941; 10:16 a. m.]



[Docket No. A-1109]

PART 330—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND  
CONDITIONALLY PROVIDING FOR FINAL RE-  
LIEF IN THE MATTER OF THE PETITION OF  
DISTRICT BOARD NO. 10 FOR THE ESTAB-  
LISHMENT OF PRICE CLASSIFICATIONS AND  
MINIMUM PRICES FOR THE COALS OF CER-  
TAIN MINES IN DISTRICT NO. 10, FOR TRUCK  
SHIPMENT

An original petition, pursuant to sec-  
tion 4 II (d) of the Bituminous Coal Act

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10; and The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and No petitions of intervention having been filed with the Division in the above-entitled matter; and The Director deeming his action necessary in order to effectuate the purposes

of the Act:

*It is ordered*, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (General prices in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

*It is further ordered*, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be

filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

*It is further ordered*, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

Dated: October 23, 1941.

[SEAL] H. A. GRAY,  
Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

## FOR TRUCK SHIPMENTS

## § 330.25 General prices in cents per net ton for shipment into all market areas—Supplement T

[Prices in cents per net ton for shipments into all market areas]

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																													
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	
SECTION NO. 2 MARSHALL COUNTY Taylor Coal Co. (Andy Sumner)	1503	Taylor	7	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60															
FULTON COUNTY Hamilton, Lloyd	1510	Little Gem #4	2	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60															
SECTION NO. 5 BROWN COUNTY Carpenter, Elza Pearidge Mining Co. (Jesse Roberts)	1497 1504	Pea Ridge Strip Bank Pearidge L 75	2 2	255 255	250 250	245 245	235 235	230 230	225 225	170 170	165 165	160 160	155 155	155 155	155 155	125 125	115 115	60 60															
SECTION NO. 5 MCDONOUGH COUNTY Vawter, A. F.	1502	Vawter	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60															
SCHUYLER COUNTY Clevenger, Jeffie	1496	Jeffie	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60															
SCOTT COUNTY Eddinger, James A.	1487	Eddinger	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60															
SECTION NO. 6 SHELBY COUNTY Westenhaver, Clyde	1490	Clyde Westenhaver	7	280	275	270	260	255	250	245	165	160	155	155	155	125	115	60															
SECTION NO. 10 GALLATIN COUNTY Schneider, Henry C.	1501	Schneider	2	215	215	215	200	195	190	180	160	160	160	160	160	150	150	130	130	65													

[F. R. Doc. 41-8300; Filed, November 5, 1941; 10:14 a. m.]



PART 333—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 13

[Docket No. A-1049]

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

The Director finding that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming his action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R-I, § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*), is amended by adding thereto Supplement R-II, § 333.7 (*Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R-III, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein to the Riverside Mine (Mine Index No. 1261) of Pratt-American Coal Co. and to the Cross Road Mine (Mine Index No. 171) of L. B. Baird, as these mines are affected by unique considerations set forth in an Order designating that portion of Docket No. A-1049 which relates to them as Docket No. A-1049 Part II and granting temporary relief.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five

(45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.  
Dated: October 17, 1941.

[SEAL]

H. A. GRAY,  
Director.

## TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

## FOR ALL SHIPMENTS EXCEPT TRUCK

## § 333.6 General prices—Supplement R-I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
JEFFERSON COUNTY, ALA.					
314	Dixie Fire Brick Co.	Dixie #2 <sup>1</sup>	1	Black Creek	31
342	Layne Coal Co., W. F.	Big Dirt <sup>1</sup>	1	Black Creek	31
339	Knopf, Frank	Frank Knopf <sup>2</sup>	1	Black Creek	31
342	Norman & Son (C. M. Norman)	Gurley Creek <sup>3</sup>	1	Black Creek	31
199	Tombello Coal Co., Inc.	Spradling Hollow <sup>4</sup>	1	Nickel Plate	50
MARION COUNTY, ALA.					
911	Guthrie, C. B.	Kelly #8 <sup>4</sup>	1	Black Creek	101
1254	Pate & Son (Sterling Pate)	Pate Coal Co. <sup>5</sup>	1	Black Creek	101
182	Marion Black Creek Coal Mining Co.	Marion #1 <sup>6</sup>	1	Black Creek	101
183	Marion Black Creek Coal Mining Co.	Marion #2 <sup>6</sup>	1	Black Creek	101
184	Marion Black Creek Coal Mining Co.	Marion #3 <sup>6</sup>	1	Black Creek	101
185	Marion Black Creek Coal Mining Co.	Marion #4 <sup>6</sup>	1	Black Creek	101
186	Marion Black Creek Coal Mining Co.	Marion #10 <sup>6</sup>	1	Black Creek	101
187	Marion Black Creek Coal Mining Co.	Marion #11 <sup>6</sup>	1	Black Creek	101
188	Marion Black Creek Coal Mining Co.	Marion #12 <sup>6</sup>	1	Black Creek	101
189	Marion Black Creek Coal Mining Co.	Marion #13 <sup>6</sup>	1	Black Creek	101
190	Marion Black Creek Coal Mining Co.	Marion #14 <sup>6</sup>	1	Black Creek	101
191	Marion Black Creek Coal Mining Co.	Marion #15 <sup>6</sup>	1	Black Creek	101
WALKER COUNTY, ALA.					
1226	Brasfield & Owen (shipping point—Burnwell, Ala. Railroad—Southern Railway)	Burnwell <sup>1</sup>	1	Mary Lee	80
621	Lockhart, W. H. (shipping point—Jasper, Ala. Railroad—Southern Railway)	Lockhart <sup>2</sup>	1	Mary Lee	80
1257	Galloway Coal Co.	Hope No. 2 Drift <sup>3</sup>	1	Black Creek	101
1258	Galloway Coal Co.	Hope No. 3 Drift <sup>4</sup>	1	Black Creek	101
1259	Galloway Coal Co.	Hope No. 4 Drift <sup>5</sup>	1	Black Creek	101

<sup>1</sup> This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index No. 76.

<sup>2</sup> This mine shall have the same price in size group 24 on all price tables as listed for mine with Index No. 76.

<sup>3</sup> Shipping point—Warrior, Ala. Railroad—L. & N.

<sup>4</sup> These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index No. 76.

<sup>5</sup> Shipping point—Warrior, Ala. Railroad—L. & N.

<sup>6</sup> This mine shall have the same price in size group 1 on all price tables as listed for mine with Index No. 68.

<sup>7</sup> This mine shall have the same prices in size groups 13, 22 and 23 on all price tables as listed in size groups 12, 17 and 18, respectively, for mine with Index No. 68.

<sup>8</sup> Shipping point—Cardiff, Ala. Railroad—Southern Railway.

<sup>9</sup> This mine shall have the same prices in size groups 1 and 4 on all price tables as listed for mine with Index No. 18.

<sup>10</sup> This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index No. 18.

<sup>11</sup> This mine shall have the same price in size group 10 on all price tables as listed for mine with Index No. 22.

<sup>12</sup> This mine shall have the same price in size group 11 on all price tables as listed for mine with Index No. 20.

<sup>13</sup> This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index No. 14.

<sup>14</sup> This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index No. 18.

<sup>15</sup> Shipping point—Eldridge, Ala. Railroad—S. L. & S. F.

<sup>16</sup> This mine shall have the same prices in size groups 1, 4, 6, 17 and 18 on all price tables as listed for mine with Index No. 18.

<sup>17</sup> This mine shall have a price in size group 19 on all price tables, 10¢ higher than the price listed for mine with Index No. 14.

<sup>18</sup> This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index No. 18.

<sup>19</sup> Shipping point—Glen Allen, Ala. Railroad—S. I. & S. F.

<sup>20</sup> These mines shall have the same prices in size groups 1, 2, 4, 6, 17 and 18 on all price tables as listed for mine with Index No. 18.

<sup>21</sup> These mines shall have a price in size groups 7, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 17 and 18, respectively, for mine with Index No. 18.

<sup>22</sup> These mines shall have a price in size groups 13 and 20 on all price tables, 10¢ higher than the prices listed in size groups 12 and 19, respectively, for mine with Index No. 14.

<sup>23</sup> Shipping point—Glen Allen, Ala. Railroad—S. I. & S. F.

<sup>24</sup> These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index No. 31.

<sup>25</sup> Shipping points—Burnwell and Jasper, Ala., respectively. Railroad—Southern Ry.

<sup>26</sup> These mines shall have the same prices in size groups 1, 2, 4, 6, 10, 13, 17, 18, 19, and 26 on all price table as listed for mine with Index No. 14.

<sup>27</sup> Shipping point—Hope, Ala. Railroad—S. I. & S. F.



§ 333.7 Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads—Supplement R-II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine <sup>1</sup>	Sub-dis-trict	Seam	Freight origin group
314	Dixie Fire Brick Co.	Dixie #2	1	Black Creek	31
196	Tombello Coal Co., Inc.	Spradling Hollow	1	Nickel Plate	53
1254	Pate & Son (Sterling Pate)	Pate Coal Co.	1	Black Creek	101
1257	Galloway Coal Co.	Hope No. 2 Drift	1	Black Creek	101
1258	Galloway Coal Co.	Hope No. 3 Drift	1	Black Creek	101
1259	Galloway Coal Co.	Hope No. 4 Drift	1	Black Creek	101

<sup>1</sup>The above mines in the various counties shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule.)

§ 333.7 Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel—Supplement R-III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Sub-dis-trict	Seam	Freight origin group
314	Dixie Fire Brick Co.	Dixie #2 <sup>1</sup>	1	Black Creek	31
911	Guthrie, C. B.	Kelly #8 <sup>1</sup>	1	Black Creek	101
1254	Pate & Son (Sterling Pate)	Pate Coal Co. <sup>1</sup>	1	Black Creek	101
1257	Galloway Coal Co.	Hope No. 2 Drift <sup>1</sup>	1	Black Creek	101
1258	Galloway Coal Co.	Hope No. 3 Drift <sup>1</sup>	1	Black Creek	101
1259	Galloway Coal Co.	Hope No. 4 Drift <sup>1</sup>	1	Black Creek	101

<sup>1</sup>This mine shall have a price of \$2.85 for size group 13, and a price of \$2.75 for size group 23 for Steamship Vessel Fuel. These mines shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 18.

<sup>2</sup>These mines shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 14.

FOR TRUCK SHIPMENTS

§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-I

[Prices in cents per ton for shipment into all market areas]

Code member index	Mine	Sub-dis-trict	Seam	Lump: Over 2', Egg, top size and over 6'	Egg: Top size 8" and under	Lump: 2" and under	Nut: Top size 3" and under, bottom size over 3/4"	Chestnut: Top size 3" and under, bottom size 1/2" and under	Chestnut: Top size 1 1/2" and under, bottom size 1/2" and under	Run of mine, modifi-R/M	Resultants: 3" and under	Screenings: 1 1/2" and under	In-dus-trial coal
ALABAMA													
BIBB COUNTY													
Evans, David S.	Blocton #5	2	195 Thompson	365	365	340	335	315	290	275	260	250	275
BLOUNT COUNTY													
Mack Hill Coal Company	Scratch Out	2	Black Creek	355	355	340	345	325	310	295	285	260	285
Parker, Grady	Ballard & Parker	2	Black Creek	355	355	340	345	325	310	295	285	260	285
Reed, John	Fine Hill Coal Co.	2	Black Creek	355	355	340	345	325	310	295	285	260	285
CULLMAN COUNTY													
King, J. M.	Clifty	2	Black Creek	385	385	360	355	315	305	290	275	265	290
JEFFERSON COUNTY													
Rock, J. D.	Yarbrough #1	2	Black Creek	355	355	340	345	325	310	295	285	260	285
Tombello Coal Co., Inc.	Spradling Hollow	2	Nickel Plate	290	290	280	285	275	265	250	240	230	255
Young, Robert B.	Yarbrough #2	2	Black Creek	355	355	340	345	325	310	295	285	260	285

<sup>1</sup>For sizes included see size group table, § 333.6.



§ 333.34 General prices in cents per net ton for shipment into all market areas—Supplement T-I—Continued

Code member index	Mine	Sub-district	Mine index No.	Seam	Lump: Over 2," Egg: Top size 6" and under	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under, bottom size over 1 1/2"		Chestnut: Top size 3" and under, bottom size 1 1/2" and under		Run of mine: modified R/M	Resultants: 3" and under		Screenings: 1 1/2" and under		In-dustrial coal	
								Wash	Raw	Wash	Raw		Wash	Raw	Wash	Raw		
			1		2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA—Continued																		
MARION COUNTY																		
Addison, Joe	Joe Addison		200	Black Creek	385	385	360	335	315	315	305	300	310	300	290	275	265	250
Aldridge, Ray	New Wheeler #2		1268	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Bacrus, Lester	Dolton Hawkins #1		1251	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Marion Black Creek Coal Mining Co.	Marion No. 1		182	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Marion Black Creek Coal Mining Co.	Marion No. 2		183	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Marion Black Creek Coal Mining Co.	Marion No. 3		184	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Marion Black Creek Coal Mining Co.	Marion No. 4		185	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Marion Black Creek Coal Mining Co.	Marion No. 10		186	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Marion Black Creek Coal Mining Co.	Marion No. 11		187	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Marion Black Creek Coal Mining Co.	Marion No. 12		188	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Marion Black Creek Coal Mining Co.	Marion No. 13		189	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Marion Black Creek Coal Mining Co.	Marion No. 14		190	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Marion Black Creek Coal Mining Co.	Marion No. 15		191	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Martin, W. N.	Lee King #2		174	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
May, N. L.	Sears #3		1252	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
O'Mary, Ervin	O'Mary #3		1253	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Pate & Son (Sterling Pate)	Pate Coal Company		1254	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Sexton & Lynn (Grady Sexton)	Sexton & Lynn		192	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Young, K. N.	New Wheeler #4		1255	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
WALKER COUNTY																		
Blackwell, J. S.	#1 Opening		1256	America	290	290	290	285	275	280	260	250	270	250	225	235	200	180
Cain, W. O.	W. O. Cain		172	Pratt	325	325	325	320	310	310	305	300	305	300	295	270	250	210
Gallagher, George (Gallagher Coal Co.)	Cy Bell		166	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Galloway Coal Company	Hope #2 Drift		1257	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Galloway Coal Company	Hope #3 Drift		1258	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Galloway Coal Company	Hope #4 Drift		1259	Black Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Heard, C. B.	Stelman #2		1260	Mary Lee	275	275	275	295	275	280	260	250	270	250	225	235	200	
Poe, Spencer	Poe's		1261	Corona	325	325	325	320	310	310	305	300	305	300	295	270	250	210
Swan Coal Co. (Claude C. Swan)	Swan Coal Co. #2		161	Blue Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250
Swan Coal Co. (Claude C. Swan)	Swan Coal Co. #3		162	Blue Creek	385	385	390	335	315	315	305	300	310	300	290	275	265	250

\* For sizes included see size group table, § 333.6.



§ 333.43 General prices in cents per net ton for shipment into all market areas—Supplement T-II  
[Prices in cents per net ton for shipment into all market areas]

Code number index	Mine	Mine index No.	Sub-dis-trict	Seam	Lump: Over 2" Egg: Top size over 3"	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<b>TENNESSEE-GEORGIA</b>																				
<b>BLEDSOE COUNTY, TENN.</b>																				
Pikeville Fuel Co.	Bell	175	4	Sewanee		305	305	300	255	250	245	235	235	235	210	210	200	190	155	255
<b>HAMILTON COUNTY, TENN.</b>																				
Yother, George	Montlake	180	4	Nos. 10 and 5		305	305	295	250	240	220	225	225	225	205	205	195	190	155	250
<b>MARION COUNTY, TENN.</b>																				
Abe Coal Co., Inc.	Alto	125	4	Battle Creek		340	340	305	290	250	245	235	235	235	205	205	195	175	140	290
Church, John	John Church #2	1262	4	Sewanee		315	315	305	290	250	245	235	235	235	205	205	205	200	165	290
Goforth, E. L.	Goforth #3	1263	4	Sewanee		315	315	305	290	250	245	235	235	235	205	205	205	200	165	290
Rounsavill, A. C. (Clyd)	Rounsavill #2	1264	4	Sewanee		315	315	305	290	250	245	235	235	235	205	205	205	200	165	290
Rounsavill, A. C. (Clyd)	Rounsavill #3	1265	4	Sewanee		315	315	305	290	250	245	235	235	235	205	205	205	200	165	290
South Pittsburg Coal Company	So. Pittsburg	1266	4	Battle Creek		340	340	305	290	250	245	235	235	235	205	205	205	200	165	290
Shook, James R.	Shook #2	1267	4	Sewanee		315	315	305	290	250	245	235	235	235	205	205	205	200	165	290
Trussell, Oscar	Trussell #2	1267	4	Sewanee		315	315	305	290	250	245	235	235	235	205	205	205	200	165	290
<b>DADE COUNTY, GA.</b>																				
Sanders, Lawrence	Lawrence Sanders	831	4	Etna		315	315	305	290	250	245	235	235	235	205	205	215	205	175	290
Knight & Jackson	Pat O'Brien	830	4	Etna		315	315	305	290	250	245	235	235	235	205	205	215	205	175	290
Raines, A. J.	Raines	181	4	Etna		315	315	305	290	250	245	235	235	235	205	205	215	205	175	290
Ringer, B. F.	No Name	26	4	Old Dade		315	315	305	290	250	245	235	235	235	205	205	215	205	175	290
Wallace, C. M.	C. M. W.	178	4	Etna		315	315	305	290	250	245	235	235	235	205	205	215	205	175	290
<b>WALKER COUNTY, GA.</b>																				
Gillen, Fred A.	Bear Creek	739	4	Durham		315	315	305	290	250	245	235	235	235	225	225	215	205	175	290

\* Indicates previously classified in this size group.

† Figures included see Size Group Table, § 333.3.

‡ This mine was previously classified in size groups 3, 7, 8, 9, 10, 11 and 15 for Craig & Green.

[F. R. Doc. 41-8301; Filed, November 5, 1941; 10:15 a. m.]



[Docket No. A-1107]

PART 339—MINIMUM PRICE SCHEDULE,  
DISTRICT NO. 19

ORDER GRANTING CERTAIN TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 19, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 19

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at certain mines in District No. 19; and

The Director finding that a reasonable showing of necessity has been made for

the granting of temporary relief, in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming this action necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 339.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 19, for All Shipments, is supplemented to include, for the coals produced at the Timm Mine (Mine Index No. 224) of code member, Mrs. Wm. Timm, located in Sheridan County, Wyoming, in Subdistrict 7 of District No. 19, for truck shipments, the following effective minimum prices in cents per net ton:

Size groups.....	1	2	3	4	5	6	7	8	9	10	12	14	15
Minimum prices.....	280	280	270	260	260	260	220	220	160	135	170	90	90

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Director shall otherwise order.

No relief is granted herein for the coals of the Gebo #3 Mine (Mine Index No. 225), the Gebo #5 Mine (Mine Index No. 226), and the Joslyn Mine (Mine Index No. 220) for the reason set forth in the Order designating that portion of Docket No. A-1107 relating to such coals as Docket No. A-1107, Part II, granting certain temporary relief and scheduling that docket for hearing.

Dated: November 4, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8333; Filed, November 6, 1941;  
10:50 a. m.]

## TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION  
MANAGEMENT

## SUBCHAPTER B—PRIORITIES DIVISION

PART 976—MOTOR TRUCKS, TRUCK TRAILERS,  
AND PASSENGER CARRIERS

Extension No. 2 of Limitation Order  
L-1-a to Restrict the Production of  
Medium Motor Trucks, Truck Trailers,  
Passenger Carriers and Replacement  
Parts.<sup>1</sup>

It is hereby ordered that: § 976.1, as amended (Limitation Order No. L-1-a), issued September 12, 1941, shall continue in effect until the 31st day of January, 1942, unless sooner revoked by the Director of Priorities.

In order to make this extension effective it is hereby ordered that § 976.1 (b) as amended be amended to read as follows:

## § 976.1 Limitation order L-1-a.

(b) *General restriction.* During the period commencing September 1, 1941, and ending January 31, 1942: (1) A pro-

<sup>1</sup> 6 F.R. 4732, 5272.

ducer shall not manufacture more than five-sixths the number of Medium Motor Trucks, Truck Trailers and Passenger Carriers, as the case may be, produced by him during the period from January 1, 1941 to June 30, 1941.

(2) A Producer shall not manufacture for replacement purposes, more than that number of Defined Parts sold by him for replacement purposes during the period from January 1, 1941 to June 30, 1941.

(3) The determination of the number of each category of vehicles produced, or of each category of parts sold, during the period from January 1, 1941 to June 30, 1941, shall exclude, and the foregoing limitation upon the number of each category of vehicles or parts which may be produced by any Producer during the five-month period, September 1, 1941 to January 31, 1942, shall not apply to any such vehicles or parts produced under contracts or orders for delivery to or for the account of:

(i) the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics, the Office of Scientific Research and Development;

(ii) the government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States". (Lend-Lease Act.)

(4) Each Producer must comply with such directions and instructions as may be issued from time to time by the Director of Priorities of the Office of Production Management with respect to the reduction or elimination of scarce materials in the production of motor trucks, truck-trailers, passenger carriers and parts or components therefor. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as



amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 6th day of November 1941.

J. S. KNOWLSON,  
Acting Director of Priorities.

[F. R. Doc. 41-8338; Filed, November 6, 1941;  
11:39 a. m.]

**PART 976—MOTOR TRUCKS, TRUCK TRAILERS,  
AND PASSENGER CARRIERS**

**Extension No. 2 of Limited Preference  
Rating Order No. P-54; Material Enter-  
ing Into the Production of Defense  
Products<sup>1</sup>**

It is hereby ordered that § 976.2 (Limited Preference Rating Order No. P-54), issued September 12, 1941, shall continue in effect until the 31st day of January, 1942, unless sooner revoked by the Director of Priorities.

In order to make this extension effective it is hereby ordered that § 976.2 (e) (3) be amended to read as follows:

§ 976.2 *Limited preference rating order P-54.*

(e) *Restrictions on application of rating.*

(3) *By a producer or supplier.*

(i) Unless the Material to be delivered cannot be obtained when required without such rating,

(ii) To obtain deliveries earlier than required,

(iii) To deliveries of Materials on purchase orders placed after January 1, 1942.

(iv) To deliveries of materials on purchase orders calling for delivery after January 31, 1942. (P. D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 6th day of November 1941.

J. S. KNOWLSON,  
Acting Director of Priorities.

[F. R. Doc. 41-8339; Filed, November 6, 1941;  
11:39 a. m.]

<sup>1</sup> 6 F.R. 4731, 5273.

**TITLE 43—PUBLIC LANDS:  
INTERIOR**

**CHAPTER I—GENERAL LAND OFFICE**

[Circular No. 1499]

**PART 115—REVESTED OREGON AND CALI-  
FORNIA RAILROAD AND RECONVEYED COOS  
BAY WAGON ROAD GRANT LANDS IN  
OREGON**

**REGULATIONS GOVERNING THE EXCHANGE OF  
REVESTED AND RECONVEYED LANDS**

**Sec.**

- 115.94 Forest policy.
- 115.95 Lands subject to exchange.
- 115.96 Statutory authority.
- 115.97 Primary objectives.
- 115.98 Exchange policy.
- 115.99 Qualifications of applicants.
- 115.100 Application for exchange.
- 115.101 Costs and fees.
- 115.102 Action by register.
- 115.103 Report of Chief Forester.
- 115.104 Evidence required.
- 115.105 Publication and posting.
- 115.106 Deed of conveyance.
- 115.107 Taxes.
- 115.108 Tax title lands.
- 115.109 Title insurance.
- 115.110 Mineral land excepted.
- 115.111 Coos Bay Wagon Road land.
- 115.112 Conveyed land.
- 115.113 Action by the General Land Office.

§ 115.94 *Forest policy.* The Act of August 28, 1937 (50 Stat. 874), laid the foundation and framework of a new forest policy for the revested and reconveyed Oregon grant lands. This measure provides for the conservation of land, water, forest, and forage on a permanent basis; the prudent utilization of these resources for the purposes to which they are best adapted; and the realization of the highest current values consistent with undiminished future returns. It seeks, through the application of the policy of sustained-yield management, to provide perpetual forests which will serve as a foundation for continuing industries and permanent communities.\*

\*§§ 115.94 to 115.113, inclusive, issued under the authority contained in sec. 2, 53 Stat. 1145.

§ 115.95 *Lands subject to exchange.* The Oregon grant lands which are subject to exchange aggregate about 2½ million acres, and are located in 18 counties in western Oregon. Nowhere do these lands occur in large, contiguous areas but to the contrary they are widely scattered and irregularly distributed. These lands comprise approximately 7,000 separate tracts or parcels. Their most consolidated form is practically in a checkerboard arrangement of sections of 640 acres each. If consolidated in a solid block they would cover an area of about 60 miles square. However, the land is scattered throughout a strip 60 miles wide and 270 miles long, extending

from the Columbia River on the north to the California State line on the south. No other equally large area of publicly owned forest land in the United States is so broken up into small units and so intermingled with other ownerships and jurisdictions. The O. and C. lands are intermingled with private holdings, State lands, unreserved public domain, and lands reserved for national forests and national parks. This extreme condition creates an administrative problem of the first magnitude. Upon its practical solution depends in large measure the effective management of this outstanding forestry project.

Where the grant lands are intermingled in checkerboard arrangement with other public lands, important administrative problems on both would be simplified by segregating them from each other and concentrating them in solid blocks. Conflicts in land use which exist in certain localities may be solved by rational land use zoning and application of the exchange procedure to segregate the lands according to the dominant use. Elsewhere, the strategic advantages to regional conservation of resources which are inherent in the checkerboard land pattern, in many cases, may outweigh the administrative advantages which could be gained by concentrating the O. and C. lands in solid blocks. This advantage lies in the fact that progressive conservation practices being applied on the grant lands tend to encourage the adoption of similar practices on the intermingled lands. This aspect of the management of the O. and C. lands has deep significance for the entire region in which the lands are located and will receive careful consideration in the development of land exchange plans.\*

§ 115.96 *Statutory authority.* The Act of July 31, 1939 (53 Stat. 1144), authorizes and empowers the Secretary of the Interior, in his discretion, in the administration of the act approved August 28, 1937 (50 Stat. 874), to exchange any land formerly granted to the Oregon and California Railroad Company, title to which was revested in the United States pursuant to the provisions of the act of June 9, 1916 (39 Stat. 218), and any land granted to the State of Oregon, title to which was reconveyed to the United States by the Southern Oregon Company pursuant to the provisions of the act of February 26, 1919 (40 Stat. 1179), for lands of approximately equal aggregate value held in private, or State, or county ownership, either within or contiguous to the former limits of such grants, when by such action the Secretary of the Interior will be enabled to consolidate advantageously the holdings of lands of the



United States. The act further provides that all lands and timber secured by the United States pursuant to any such exchange shall be administered in accordance with the same provisions of law as the reverted and reconveyed lands exchanged therefor, and that parties to the exchange may make reservations of easements, rights-of-way, and other interests and rights. Under this legislation the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations as may be necessary to carry out the provisions of the law.\*

§ 115.97 *Primary objectives.* Concisely stated, the primary objectives sought by the Act of July 31, 1939, include the following:

(a) Simplification of administration, improvement, and protection through the consolidation of holdings and the reduction of diversified small ownerships.

(b) The development of a balanced distribution of age classes of timber with a view to promoting the policy of sustained-yield forest management provided for in the Act of August 28, 1937.

(c) The establishment of natural cooperative sustained-yield management units, with a view to sustaining dependent industry, dependent labor and dependent communities.

(d) The effective administration of cooperative forest units.

(e) Aid in establishing economic operating units for combined agricultural and grazing enterprises, where such enterprises appear to provide the most desirable use of the land.

(f) The protection of recreational and other values against impairment or destruction.\*

§ 115.98 *Exchange policy.* Since the exchange authority of the Act of July 31, 1939, has been provided for the specific purpose of promoting the policy of sustained-yield management laid down for the Oregon lands, it is essential that the formulation of tentative sustained-yield unit plans precede the actual carrying out of the exchange program. This does not mean that the planning of the exchange program will be held in abeyance pending the final establishment of sustained-yield management units, since it is expected that exchange plans will be outlined concurrently with the setting up of sustained-yield units and an action program initiated as soon as the boundaries thereof are fully determined.

It may be broadly stated that the lands and timber to be acquired under authority of the Act of July 31, 1939, should be of a character and so located that the acquisition thereof will promote the conservation principles laid down by the Act of August 28, 1937. Lands and timber which will be disposed of by exchange should be of such a type and so located that the transfer of these resources to private ownership will not interfere with the carrying out of a regional program

of cooperative sustained-yield forest management in western Oregon.

Generally speaking, exchanges will not be authorized where the exchange would create a serious disturbance of existing economic conditions; or in cases where the exchange would operate materially to reduce the revenues which should accrue to the counties under authority of the Act of August 28, 1937. Neither can approval be given to the exchange of lands which would prevent the free and ready access of the Government in the development of the resources under its jurisdiction, nor the passing of title to which would in any way interfere with the policy of sustained-yield forest management which governs the administration of the O. and C. lands.

Land exchange applications will be accepted and given consideration as occasion may arise. However, the right is reserved by the Government to reject any and all applications. Applications may be received upon approval of these regulations; but no preference in action will be granted because of priority of application. Upon the establishment of sustained-yield units the Government will consider all applications for exchange within the boundaries thereof and accept those which are found most advantageous in attaining the primary objectives of such units.\*

§ 115.99 *Qualifications of applicants.* Applications may be filed by the State of Oregon, by the several counties thereof either wholly or partially within the former limits of the grants, by citizens of the United States, by associations of such citizens, or by corporations organized under the laws of the United States or any State, territory, or district thereof, authorized under its charter to own and sell real property and authorized to do business in the State of Oregon. Evidence of citizenship or of incorporation must be filed with the application, and when the applicant is a corporation a certified copy of the order or direction of the board of directors, or other governing body, to effect such exchange should accompany the application.\*

§ 115.100 *Application for exchange.* Applications, in duplicate and verified, should be addressed to the Commissioner of the General Land Office and filed in the district land office having jurisdiction over the selected lands, and should set forth, by legal subdivisions of the public land surveys, the lands offered to the Government and the lands selected in exchange therefor. The application should contain the full name and post office address of the applicant; state that the applicant is legally capable of consummating the exchange; that he is the owner of the lands offered in exchange; that such offered lands are not the basis of another selection or exchange; state whether any reservation or easements, rights of use, and other interests and rights in or to the offered lands are desired, and what use thereof is contemplated.

It should also show the reservations or easements which, if made by the United States, on the selected land will be acceptable to the applicant.

An application by the State should be accompanied by a certificate of the selecting agent showing that the application for exchange is made under and pursuant to the laws of the State and that the State is the owner of the lands offered in the proposed exchange. In the case of an application for exchange by a county, there should also be furnished a certificate of the proper officer or officers of the county, under seal, to the effect that the application is made under and pursuant to the laws of the State.

The application must be accompanied by an affidavit by the applicant or by some credible person who is familiar with the character, condition and value of the selected lands and the character, condition and value of the lands offered in exchange. This affidavit must be in duplicate, with the original duly executed. The affidavit must specifically describe by subdivision, section, township and range, the lands offered to the Government and the lands selected in exchange therefor, and show the following: whether there is within the limits of any of the selected land any known deposit of coal, or any lode or placer deposit, oil, or other valuable mineral; whether said land contains any salt springs or known deposits of salt in any form sufficient to render it chiefly valuable therefor; whether any portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; whether said land is essentially non-mineral in character and has upon it any mining or other improvements; that the selected lands are unappropriated and are not occupied, claimed, improved or cultivated by any person adversely to the applicant; and give as full data as are available concerning the character, and the amount, kind, and value of timber upon each smallest or forty-acre subdivision of the lands offered in exchange. This affidavit must also show that the lands offered and the lands selected are approximately of equal aggregate value, consideration being given to any reservations or easements which may be made by the applicant or the United States. The values of both offered and selected lands are to be determined by the Secretary of the Interior. The application must be accompanied with a corroborated affidavit relative to springs and water holes on the selected lands, in accordance with existing regulations pertaining thereto (43 C.F.R. 292.1-292.9). Evidence of citizenship, or of incorporation, must be filed with the application.\*

§ 115.101 *Costs and fees.* The applicant shall agree to pay the cost of publishing notices of the exchange. Filing fees must be paid by the applicant at the rate of \$2.00 for each 160 acres, or fraction thereof, of the lands selected. The



act provides that no fee shall be charged in applications filed by the State of Oregon or any county thereof, except one-half of the cost of publishing notice of the proposed exchange.\*

§ 115.102 *Action by Register.* If the application for exchange appears regular and in conformity with the law and these regulations, the Register will assign the current serial number and after making appropriate notations on his records will transmit the original application and all other papers to the General Land Office with a statement as to the status of the land including any conflicts, and will forward the duplicate application together with copies of all other papers to the Chief Forester, Oregon and California Revested Lands Administration, Portland, Oregon.\*

§ 115.103 *Report of Chief Forester.* On receipt by the Chief Forester, Oregon and California Revested Lands Administration, of the duplicate application and other papers, they shall be given consideration by him with a view of determining whether the proposed exchange appears desirable from the standpoint of the interests of the Government in carrying into effect the purpose of the Act of August 28, 1937 (50 Stat. 874).

Applications must be accompanied by estimates showing the volume, kind, quality, and value of timber upon each subdivision of the lands offered for exchange. Such estimates will be checked for accuracy by the Chief Forester.

If the lands involved are not valuable for timber, then their value and availability for any of the purposes given in the Act of August 28, 1937 (50 Stat. 874), may be given due consideration as a basis for determining that the lands offered are approximately equal in aggregate value to the lands sought in exchange. The report of the Chief Forester, as submitted to the Commissioner of the General Land Office, in addition to the foregoing, should show the volume and value of the timber on the offered and selected lands; whether the selected lands are occupied, improved, cultivated, or claimed by another; whether the selected lands contain minerals, springs, water holes, or hot or medicinal springs, or any special features which should be considered in acting upon the application; the value of the offered lands for use in determining the amount of the stamp tax required on the deed to the offered lands; whether there are any reasons why the exchange should not be consummated, and such facts as will aid in determination of whether the proposed exchange is in the public interests.\*

§ 115.104 *Evidence required.* When the report of the Chief Forester has been received and an exchange of approximately equal aggregate values has been established, the Commissioner of the General Land Office, with the approval of the Department, unless he has reason to do otherwise, will direct publication of notice of the contemplated exchange, and will require the applicant, through

the Register of the District Land Office, to submit proof of publication of notice, a deed of conveyance of the offered lands duly recorded, and in all cases except as hereinafter provided, an abstract of title showing that at the time the deed of conveyance to the United States was recorded the title to the lands covered by such deed was in the party making the conveyance. The abstractor's certificate must show that the lands as conveyed were free from judgments or mortgage liens, pending suits, taxes, tax assessments, or other encumbrances. If such certificate does not cover taxes and tax assessments, the applicant must furnish a certificate by the proper official of the county in which the lands are situated showing that all taxes or assessments levied or assessed against the lands conveyed to the United States, or that could operate as a lien thereon, have been duly paid; whether there is a tax or assessment due on such lands or that could operate as a lien thereon but which tax or assessment is not yet payable and that there are no unredeemed tax sales and no tax deeds outstanding against such lands conveyed to the United States. Such abstract must be prepared and authenticated by an abstractor or by an abstract company approved by the General Land Office, in accordance with section 42 of the Mining Regulations of April 11, 1922 (49 L.D. 15, 69), and must show that the title memoranda contained therein are a full, true, and complete abstract of all matters of record or on file in the office of the recorders of deeds and in the offices of the clerks of courts of record of that jurisdiction, including all conveyances, mortgages, suits, pending suits, judgments, liens, lis pendens, or other encumbrances or instruments which are required by law to be filed with the recording officer and which appear in the records of the offices of the clerks of courts of record affecting in any manner whatever the title to the lands to be conveyed to the United States.

Where the State is the applicant and the offered lands were acquired by grant from the United States, the State may furnish in lieu of an abstract of title a certificate of the proper State officer showing that the offered lands have not been sold or encumbered by the State, and a certificate by the Recorder of Deeds or official custodian of the records of transfers of real estate in the proper county that no instrument purporting to convey or in any way encumber title to the offered lands is of record or on file in his office; but in all cases of lands offered by the State which have been held in private ownership and were acquired by the State from such source, including cases where any of the lands offered by the State have been sold by it and title again acquired by it the State will be required to furnish an abstract of title.\*

§ 115.105 *Publication and posting.* The publication notice must give the name and post office address of the ap-

plicant, serial number and date of the application, act under which application is filed, describe both the offered and selected lands in terms of legal subdivisions of the public land surveys, and state that the purpose of the notice is to permit all persons claiming the offered or selected lands or having bona fide objections to such exchange an opportunity to file their protests or other objections in the District Land Office within 45 days from the date of the first publication, together with evidence that a copy of such protest or objection has been served upon the applicant. The cost of publication of the notice must be at the expense of the applicant, unless such applicant is the State of Oregon or any county thereof, in which case each newspaper will collect one-half of the cost of publication from the applicant and submit proper vouchers to the United States for the remainder. The notice must be published once a week for four consecutive weeks in some designated newspaper of general circulation in the county or counties in which are situated the lands offered to the United States, and in the same manner in some like newspaper published in any county in which are situated any lands selected in exchange. In the event the newspaper is a daily, the publication should be made in the Wednesday issue thereof. A similar notice will be posted in the District Land Office during the required period of publication and the Register shall certify as to the posting. Publication of notice will be directed by the General Land Office in a certain newspaper or newspapers designated by the Commissioner of the General Land Office in instructions to the Register. Proof of publication of notice shall consist of an affidavit by the publisher, or foreman, or other proper employee of the newspaper, showing the dates of publication, and attaching thereto a copy of the notice as published. The Register shall transmit, by special letter, such evidence of publication to the General Land Office with his report as to whether protests or contests have been filed against the proposed exchange.\*

§ 115.106. *Deed of conveyance.* The deed of conveyance to the United States must be executed, acknowledged, and duly recorded in accordance with the laws of the State, and must contain covenants of general warranty except where the grantee is prohibited by law from executing such a conveyance. The United States of America should be named as the grantee, and such revenue stamps as are required by law must be affixed to the deed and canceled. The deed should recite that it is made "for and in consideration of the exchange of certain lands, as authorized by the act of July 31, 1939 (53 Stat. 1144)". Where the deed of conveyance is by a private corporation, it should be recited in the instrument of transfer that the deed was executed pursuant to an order or by the direction of the board of directors, or



other governing body, and a copy of such order or direction must accompany such instrument of transfer and both should bear the impression of the corporate seal.\*

§ 115.107 *Taxes.* In case taxes have been assessed or levied on lands conveyed to the United States, and such taxes are not due and payable until some future date, the applicant in addition to the certificates above required, relating to taxes and tax assessments, may make a deposit with the Commissioner of the General Land Office of at least twice the amount of the taxes for the preceding year with evidence as to the amount of the taxes for such year, or may furnish a bond with qualified corporate surety for such sum, in order to indemnify the United States against loss for the non-payment of the tax so assessed or levied.\*

§ 115.108 *Tax title lands.* Where the offered lands have been acquired by the applicant through tax foreclosure proceedings, it must be shown that the foreclosure was a matter of judgment and decree of the proper court; that the sheriff or other proper official has issued a deed based upon the judgment and decree of the court, and that the period of time provided by the laws of the State of Oregon within which to bring action, suit, or proceeding of whatever kind or nature, for the purpose of determining the validity of the sale, has expired. As part of the abstract of title to the offered lands, the applicant shall submit the foreclosure proceedings in full.\*

§ 115.109 *Title insurance.* Title insurance issued by a company which is acceptable to the General Land Office may be furnished in lieu of an abstract of title, and same accepted upon proof that the insuring company is solvent and properly qualified, provided the policy is free from conditions and stipulations unacceptable to the United States.\*

§ 115.110 *Mineral land excepted.* Mineral lands may not be selected in exchange proceedings hereunder.\*

§ 115.111 *Coos Bay Wagon Road land.* An applicant under the exchange act selecting Coos Bay Wagon Road grant lands must offer as base in lieu thereof lands situated in the same county as the lands selected. (See act of May 24, 1939, 53 Stat. 753). The advantageous consolidation of the holdings of lands of the United States, required under the exchange act, may be with either the re-conveyed or reverted lands, or with both.\*

§ 115.112 *Conveyed lands.* All lands conveyed to the United States pursuant to the act of July 31, 1939 (53 Stat. 1144), and under these regulations shall, upon acceptance of title, become a part of the reverted and reconveyed lands and shall be managed, as a part of such lands, in the manner prescribed by the act of August 28, 1937 (50 Stat. 874).\*

§ 115.113 *Action by General Land Office.* The publication of notice, convey-

ance, abstract of title, and other evidence required of the applicant will, upon receipt in the General Land Office, be examined, and if found regular and in conformity with the law and the regulations, and if there are no objections, title will be accepted to the offered lands and patent will issue for the lands selected in exchange.

If the report from the Chief Forester discloses inequalities of value, the Commissioner of the General Land Office will advise the applicant and afford him an opportunity to bring the proposed exchange within the provisions of the law.

Notices of additional requirements, rejection, or other adverse action will be given, and the right of appeal, review, or rehearing recognized in the manner prescribed by the Rules of Practice. Protests against exchanges should be filed in the district land office and will be transmitted to the General Land Office for consideration and disposal.

If the application for exchange be finally rejected for any reason, the abstract of title will be returned, and the applicant will be advised of his right to apply for a quitclaim deed under existing law for the lands conveyed to the United States.

An application for exchange will be noted "suspended" by the Register and unless disallowed, the lands applied for in exchange will be segregated upon the records of the district land office and the General Land Office.

Notice shall be given to the Chief Forester of final action taken on applications hereunder.\*

#### PART 101—GENERAL REGULATIONS INVOLVING APPLICATIONS AND ENTRIES

##### REGULATIONS AMENDED

The first sentence of § 101.19<sup>1</sup> of title 43 of the Code of Federal Regulations (Circ. No. 1474, July 8, 1940) is hereby amended to read as follows:

§ 101.19 *Action on applications; reports.* Commencing 60 days after the effective date hereof, the originals and copies of all applications to enter or select public lands outside of Alaska, under the nonmineral public land laws, will be transmitted by the Register to the General Land Office for preliminary consideration, except applications for exchanges of the Oregon and California reverted railroad grant lands and the Coos Bay Wagon Road grant lands in Oregon, as to which the Registers will follow the procedure set forth in § 115.102. \* \* \*

##### REGULATIONS SUPERSEDED

Sections 115.94 to 115.113, inclusive, supersede §§ 115.1 to 115.14, inclusive, of title 43 of the Code of Federal Regulations (Circ. No. 611, July 17, 1918, 46

L.D. 424, and secs. 4 and 5, Circ. No. 705, June 22, 1920, 47 L.D. 411).

FRED W. JOHNSON,  
Commissioner.

Approved: October 28, 1941.

OSCAR L. CHAPMAN,  
Assistant Secretary.

[F. R. Doc. 41-8328; Filed, November 6, 1941;  
10:45 a. m.]

## Notices

### WAR DEPARTMENT.

[Contract No. W 241 ORD-8]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: A. S. CAMPBELL CO., INC.,  
BOSTON, MASS.

Contract: for \* \* \* Case, Cartridge, \* \* \*.

Amount: \$1,864,000.00.

Place: Boston Ordnance District Office, Room 1501, 140 Federal Street, Boston, Mass.

The Cartridge Cases to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority ORD 50,245 PO12-02 A0020-13, the available balance of which is sufficient to cover the cost thereof.

This contract,<sup>1</sup> entered into this 21st day of July 1941.

*Scope of this contract.* The contractor shall furnish and deliver \* \* \* Case, Cartridge, \* \* \*, for the consideration stated One million eight hundred sixty-four thousand dollars (\$1,864,000.00) in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

*Changes.* Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

*Delays—Damages.* If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

*Payments.* The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less

<sup>1</sup> Approved by the Under Secretary of War August 18, 1941.



deductions, if any, as herein provided. Payments will be made on partial deliveries accepted by the Government when requested by the contractor whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**Advance payments.** At any time and from time to time, after the approval of this contract, at the request of the contractor and subject to the approval of the Chief of Ordnance as to the necessity therefor, the Government shall advance to the contractor, without payment of interest therefor by the Contractor, sums not to exceed Four hundred sixty six thousand dollars (\$466,000.00), or twenty-five percentum (25%) of the contract price, as it may be amended, whichever shall be the smaller.

**Price adjustments.** The contract prices stated in Article 1 are subject to adjustments for changes in labor and materials costs.

**Termination when contractor not in default.** This contract is subject to termination by the Government at any time as its interests may require.

This contract is authorized by the Act of July 2, 1940 (Public No. 703—76th Congress).

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8319; Filed, November 6, 1941;  
10:41 a. m.]

[Contract No. W 535 ac-21061, 5539]

#### SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: NORTHROP AIRCRAFT INC.,  
HAWTHORNE, CALIFORNIA

Contract for: \* \* \* Airplanes,  
Spare Parts and Data.

Estimated cost: \$17,369,634.15.

Fixed-fee: \$1,042,178.05.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same: AC 32 P 12-30 A 0705-2, AC 18 P 82-30 A 0705-2.

This contract,<sup>1</sup> entered into this 28th day of August 1941.

**ARTICLE 1. Statement of work.** The Contractor shall manufacture, furnish and deliver to the Government \* \* \* Airplanes, Spare Parts and Data.

#### ART. 2. Estimated costs.

Item	Quantity	Estimated cost
1.....	* * * Airplanes.....	\$15,790,576.50
2.....	Spare parts for above airplanes.....	1,579,057.65
3 to 9, inc.....	Data.....	No cost.
Total estimated cost.		17,369,634.15

<sup>1</sup> Approved by the Under Secretary of War Sept. 17, 1941.

**ART. 3. Consideration.** The Government will pay the Contractor upon satisfactory delivery of all items specified in the contract, subject to partial payments as outlined in Article 6 hereof, the cost, plus a fixed fee of One Million Forty-two Thousand One Hundred Seventy-eight and 05/100 Dollars (\$1,042,178.05), being six per cent (6%) of the total estimated cost of Seventeen Million Three Hundred Sixty-nine Thousand Six Hundred Thirty-four and 15/100 Dollars (\$17,369,634.15).

**ART. 5. Changes.** The Contracting Officer may, at any time, by a written order make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

**ART. 6. Payments.**—(a) **Reimbursement for Cost.** The Government will currently reimburse the Contractor, subject to the provisions of paragraph (c) of this Article 6, for such expenditures made in accordance with Article 3 hereof as may be approved or ratified by the Contracting Officer and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers.

(b) **Payment of the fixed fee.** Ninety per cent (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof, shall be paid as it accrues, in monthly installments.

(c) **Advances.** The Government as requested by the Contractor from time to time, shall make advance payments to the Contractor, without payment of interest thereon by the Contractor, of such sums as may be requested by the Contractor and approved by the Contracting Officer, the aggregate of which shall not exceed thirty per centum (30%) of the estimated cost of the work under this contract. Such advances shall be made upon such terms and conditions and with such security as the Secretary of War shall prescribe.

**ART. 9. Termination of contract by Government.** Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

**ART. 22 Title to property.** The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, sub-assemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder shall vest in the Government.

**ART. 24. Fire insurance.** The Contractor agrees unless and until otherwise di-

rected in writing by the Contracting Officer to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for cost is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payment or payments in reimbursements for costs, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

This contract authorized under the provisions of section 2 (a) Act of June 28, 1940, section 1 (a), Act of July 2, 1940, and section 9 June 30, 1941.

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8321; Filed, November 6, 1941;  
10:42 a. m.]

[Contract No. W-535 ac-21068; 5539]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: REPUBLIC AVIATION CORPORATION,  
FARMINGDALE, LONG ISLAND, N. Y.

Contract for: Maintenance Parts for  
Republic Type \* \* \* Airplanes.

Amount: \$3,130,349.91.

Place: Matériel Division, Air Corps,  
U. S. Army, Wright Field, Dayton, Ohio.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to Procurement Authority AC 18 P 82-30 A 0705-2, the available balance of which is sufficient to cover cost of same.

This contract,<sup>2</sup> entered into this 24th day of September, 1941.

**ARTICLE 1. Scope of this contract.** The contractor shall furnish and deliver maintenance parts for Republic Type \* \* \* Airplanes for the consideration stated three million one hundred thirty thousand three hundred forty-nine dollars and ninety-one cents (\$3,130,349.91) in strict accordance with the Specifications, schedules and drawings, all of which are made a part hereof.

**ART. 2. Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**ART. 5. Delays—Damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**ART. 8. Payments.** The contractor shall be paid, upon the submission of

<sup>2</sup> Approved by the Under Secretary of War Sept. 24, 1941.



properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**ART. 21. Price adjustment.** The contract prices stated in this contract for Maintenance Parts are subject to adjustments for changes in labor and material costs.

**General.** It is expressly agreed that quotas for labor will not be altered on account of delays in the completion of the said Maintenance Parts.

**ART. 22. Advance payments.** Advance payments may be made from time to time for the supplies called for, when the Secretary of War deems such action necessary in the interest of the national defense.

**ART. 23. Termination when contractor not in default.** If, in the opinion of the contracting officer upon the approval of the Secretary of War, the best interests of the Government so require this contract may be terminated by the Government, even though the contractor be not in default, by a notice in writing relative thereto from the contracting officer to the contractor.

**ART. 36. Title to property where partial payments are made.** The title to all property upon which any partial payment is made prior to the completion of this contract, shall vest in the Government.

**ART. 38. Fire insurance.** The contractor agrees to insure against fire all property in its possession upon which a partial payment is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other partial payments, if any, theretofore made thereon, and further agrees to keep such property so insured, free of cost to the Government, until the same is delivered to the Government.

This contract authorized under the provisions of Paragraph 4 g (3), A.R. 5-240, section 1 (a), Act of July 2, 1940 and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8320; Filed, November 6, 1941;  
10:41 a. m.]

[Contract No. W-398-qm-10757 O. I. #351]

#### SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: WILLYS-OVERLAND MOTORS,  
INCORPORATED, TOLEDO, OHIO

Contract for: Trucks, \* \* \*

Amount: \$12,040,000.00.

Place: Holabird Quartermaster Depot,  
Baltimore, Maryland.

This contract, entered into this 13th day of August 1941.

**Scope of this contract.** The contractor shall furnish and deliver motor vehicles for the consideration stated \$12,040,000.00 in strict accordance with the specifications, schedules and drawings, all of which are made a part hereof.

**Changes.** Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

**Delays—damages.** If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

**Payments.** The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either \$1,000 or 50 percent of the total amount of the contract.

**Variations.** Quantities listed hereon are subject to increase of not to exceed \* \* \*%. This option to remain in effect until \* \* \*.

**Terms of payment.** Discount will be allowed for prompt payment as follows: 30 calendar days \* \* \*%.

Bond: Performance.

Amount: \$3,010,000.00.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority QM-1801-P-37-30-A-0525.003-2, QM-15915-P-37-30-A-0525.003-12, the avail-

able balance of which is sufficient to cover cost of same.

FRANK W. BULLOCK,  
Lt. Col., Signal Corps,  
Assistant to the Director of  
Purchases and Contracts.

[F. R. Doc. 41-8322; Filed, November 6, 1941;  
10:42 a. m.]

#### DEPARTMENT OF THE INTERIOR.

##### Bituminous Coal Division.

[Docket No. 1879-FD]

IN THE MATTER OF THE APPLICATION OF  
THE KOPPERS COAL COMPANY FOR PER-  
MISSION TO RECEIVE DISTRIBUTORS' DIS-  
COUNTS ON COAL PURCHASED FOR RESALE  
TO KOPPERS COMPANY

##### NOTICE OF AND ORDER FOR HEARING

The Koppers Coal Company, a corporation, organized under the laws of Delaware, with its principal office at Pittsburgh, Pennsylvania, being registered with the Division as a distributor, No. 5223, filed its petition praying:

1. That the Division determine

(a) that the relationship between Koppers Company and The Koppers Coal Company is bona fide and was not established to secure price reductions under the Bituminous Coal Act of 1937;

(b) that the relationship between Koppers Company and The Koppers Coal Company is not within the prohibition of paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.

2. That The Koppers Coal Company be authorized to receive distributors' discounts on coal purchased by it as a distributor for resale to Koppers Company.

3. That The Koppers Coal Company be permitted to retain discounts heretofore received on coal purchased by it as a distributor for resale to Koppers Company.

4. For such other and further relief as may be just and equitable.

It is ordered, That a hearing on such matter be held on December 10, 1941, at 10:00 in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officers so designated to preside



at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before December 5, 1941, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: November 5, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8330; Filed November 6, 1941;  
10:49 a. m.]

[Docket No. A-1107]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 19 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 19

[Docket No. A-1107 Part II]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 19 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR ALL SHIPMENTS, PRODUCED AT THE GEBO #3 MINE (MINE INDEX NO. 225) AND THE GEBO #5 MINE (MINE INDEX NO. 226) IN DISTRICT NO. 19, AND FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENTS, PRODUCED AT THE JOSLYN MINE (MINE INDEX NO. 220) IN THAT DISTRICT

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1107 PART II FROM DOCKET NO. A-1107, GRANTING CERTAIN TEMPORARY RELIEF IN DOCKET NO. A-1107 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1107 PART II

The original petition in the above-entitled matter filed with this Division

on October 11, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests that orders be entered establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 19 and revising the effective minimum prices applicable to the coals of the Joslyn Mine (Mine Index No. 220), operated by W. C. Joslyn, a code member in that district, for shipment via truck to all market areas.

No petitions of intervention were filed in the above-entitled proceedings.

As indicated in a separate order in Docket No. A-1107, which established temporary and conditionally final price classifications and minimum prices for the coals produced at the Timm Mine (Mine Index No. 224) as requested in the original petition, a reasonable showing of necessity was made for the granting of that relief. Such a showing was not made, however, with respect to the establishment of permanent price classifications and minimum prices for the coals produced at the Gebro #3 and the Gebro #5 mines, operated by P. H. Burnell, a code member in Subdistrict No. 5, nor with respect to the revision in minimum prices requested for the coals of the Joslyn Mine.

The Director is of the opinion that temporary relief should be granted for the coals of the Gebro #3 Mine and the Gebro #5 Mine pending final determination in this matter, but that the petition does not contain facts sufficient to warrant, in advance of a hearing, the establishment of permanent price classifications and minimum prices for such coals, nor the requested revision in effective minimum prices for the coals of the Joslyn Mine.

Now, therefore, it is ordered, That the portion of Docket No. A-1107 relating to the Gebro #3 Mine (Mine Index No. 225), the Gebro #5 Mine (Mine Index No. 226), and the Joslyn Mine (Mine Index No. 220), be, and it hereby is, severed from the remainder of Docket No. A-1107 and designated as Docket No. A-1107 Part II.

It is further ordered, That a hearing in Docket No. A-1107 Part II, under the applicable provisions of said Act and the rules of the Division, be held on November 17, 1941, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, in the United States Post Office, Thermopolis, Wyoming.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that

purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before November 13, 1941.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to the petition of District Board No. 19 for the establishment of permanent price classifications and minimum prices for the coals of the Gebro #3 Mine (Mine Index No. 225) and the Gebro #5 Mine (Mine Index No. 226) for all shipments f. o. b. a tippie located at Gebro, Wyoming, some distance from the mouths of those mines; and for a change in the subdistrict classification number from 9 to 8 for the Joslyn Mine (Mine Index No. 220) and revision by size groups of the effective price classifications and minimum prices in cents per ton applicable to the coals of such mine for truck shipments to all market areas, as follows:

	Size groups																
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
From subdistrict No. 9 prices.....	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.40	\$2.20	\$2.00	\$1.25	\$1.25		\$1.50		\$1.25	\$1.25	\$1.00	\$0.50
To subdistrict No. 8 prices.....	\$2.00	2.00		2.00				1.30	1.30	1.30		1.30		1.00	.90		



It is further ordered, That temporary relief, pending final disposition of Docket No. A-1107, Part II, is hereby granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 19 is supplemented to

include the price classifications and minimum prices set forth below:

(1) Insert, on page 5 of that Schedule, the following listings in proper alphabetical order:

Producer	Mine No.	Mine index No.	County	Subdist. price group	Shipping point	Rail F. O. G.		Prices page	
						Road	No.	Rail	Truck
Burnell, Pat (Burnell Coal)	3	225	Hot Springs	5	Gebo	CB&Q	100	9	13
Burnell, Pat (Burnell Coal)	5	226	Hot Springs	5	Gebo	CB&Q	100	9	13

The coals of the above designated mines shall take the minimum f. o. b. mine prices in cents per net ton for shipment by rail transportation into market areas shown under Subdistrict No. 5 on

page 9 of the Schedule of Effective Minimum Prices for District No. 19.

(2) Insert, on page 13 of that Schedule, Truck Shipments, below the heading "Subdistrict No. 5" and in proper alphabetical order, the following:

Code member name	Mines Nos.	County	Size groups																
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Burnell, Pat (Burnell Coal Co.)	3 and 5	Hot Springs	500	500	495	485	485	485	460	350	270	245	290	290	170	170	100		

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: November 4, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8331; Filed, November 6, 1941;  
10:49 a. m.]

[Docket No. A-586]

IN THE MATTER OF THE PETITION OF CONSUMERS' COUNSEL DIVISION TO CHANGE THE SIZE GROUPING OF 2' x 0 SLACK COAL SHIPPED FROM DISTRICT NO. 8 TO DUBUQUE, IOWA, FOR RETORT GAS USE FROM SIZE GROUP 27 TO SIZE GROUP 20, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A-885]

IN THE MATTER OF THE PETITION OF CONSUMERS' COUNSEL DIVISION FOR MODIFICATION OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8 TO PERMIT THE SALE OF COAL TO THE KEY CITY GAS COMPANY FOR USE IN ITS DUBUQUE, IOWA, PLANT AT THE MINIMUM F. O. B. MINE PRICE ESTABLISHED FOR FREE ALONGSIDE DELIVERY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER SEVERING DOCKET NO. A-586 FROM DOCKET NO. A-885 AND DISMISSING PETITION IN DOCKET NO. A-586

The above-entitled dockets having been consolidated by an Order of the Director, dated October 3, 1941; and

The petitioner having moved to dismiss without prejudice the original petition in Docket No. A-586; and

There having been no opposition thereto;

Now, therefore, it is ordered, That Docket No. A-586 is severed from Docket No. A-885.

It is further ordered, That the original petition in Docket No. A-586 be dismissed without prejudice.

Dated: November 4, 1941.

[SEAL]

H. A. GRAY,  
Director.

[F. R. Doc. 41-8332; Filed, November 6, 1941;  
10:50 a. m.]

#### General Land Office.

#### AIR NAVIGATION SITE WITHDRAWAL No. 157 ENLARGED

ALASKA

OCTOBER 28, 1941.

It is ordered, Under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the public lands within the following-described boundaries be, and they are hereby, withdrawn from all forms of appropriation under the public land laws, subject to valid existing rights, for the use of the Department of Commerce as an addition to the present intermediate landing field at Iliamna, Alaska:

Beginning at the southwest corner of the Iliamna airways landing field and radio communication station, designated Air Navigation Site Withdrawal No. 157, Alaska, in latitude 59°44'30" N., longitude 154°51' W. Thence by metes and bounds,

N. 03°08' E., 4,589.4 feet, along west boundary of Air Navigation Site No. 157 to the northwest corner thereof;  
N. 86°52' W., 300.0 feet;

S. 03°08' W., 4,589.4 feet;  
S. 86°52' E., 300.0 feet to the place of beginning, containing approximately 31.6 acres.

JOHN J. DEMPSEY,

Acting Secretary of the Interior.

[F. R. Doc. 41-8327; Filed, November 6, 1941;  
10:44 a. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-2]

IN THE MATTER OF AMERICAN PARTICIPATIONS, INC.

[File No. 812-10]

THE ARKANSAS FUND, INC.

[File No. 812-18]

FOUNDERS MUTUAL DEPOSITOR CORPORATION

[File No. 812-20]

HAMILTON DEPOSITORS CORPORATION

[File No. 812-17]

INSURED INVESTORS, INC.

[File No. 812-21]

INVESTORS INDEPENDENCE CORPORATION

[File No. 812-11]

THE TEXAS FUND, INC.

#### ORDER DENYING APPLICATIONS FOR EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of November, A. D. 1941.

Applications under section 6 (c) and section 27 (b) of the Investment Company Act of 1940 having been filed with the Commission by the above-named applicants for orders granting qualified exemptions from the provisions of section 27 (a) (3) of said Act; a public hearing on the applications having been duly held after appropriate notice; the Commission having examined the record and having this day issued its Findings and Opinion in the matter;

It is ordered, On the basis of such Findings and Opinion, that the applications be, and they hereby are, denied.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 41-8340; Filed, November 6, 1941;  
11:44 a. m.]

[File No. 70-420]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY

ORDER GRANTING APPLICATION UNDER SECTION 10 AND PERMITTING DECLARATION TO BECOME EFFECTIVE UNDER SECTION 12 (b) AND RULE U-45

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of November, A. D. 1941.

The United Gas Improvement Company, a Pennsylvania corporation and a registered holding company, having filed



an application and declaration and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 10 and 12 (b) thereof, and Rule U-45 promulgated thereunder, regarding advances for experimental purposes of not to exceed \$500,000 in the aggregate, without interest, to Ugite Sales Corporation, a wholly-owned non-utility subsidiary, engaged in experimental research with water gas tars and their light oil constituents and similar derivatives; and

Said application and declaration having been filed October 24, 1941, and amendments thereto having been filed on October 27, October 29, and November 4, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commis-

sion not having received a request for a hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Said party having requested that the effective date of said application and declaration be advanced; and

The Commission finding with respect to said application under Section 10 of said Act that no adverse findings are necessary under sections 10 (b) and 10 (c) (1), and that section 10 (c) (2) is not applicable to the proposed transactions; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration pursuant to section 12 (b) and Rule U-45 promulgated thereunder to become effective; and

The Commission being satisfied that the effective date of said declaration and the date of granting said application should be advanced;

*It is hereby ordered.* Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be and the same hereby is granted forthwith and that the aforesaid declaration be and the same is hereby permitted to become effective forthwith.

By the Commission. Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL]

FRANCIS P. BRASSOR,  
*Secretary.*

[F. R. Doc. 41-8341; Filed, November 6, 1941;  
11:44 a. m.]

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